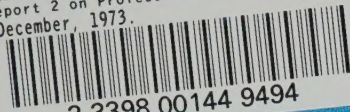


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December, 1973.



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# REPORT II ON PROFESSIONS AND OCCUPATIONS DECEMBER, 1973

ALBERTA



SELECT COMMITTEE OF THE  
LEGISLATIVE ASSEMBLY  
On Professions  
And Occupations



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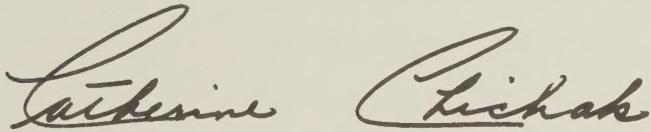


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**THE HONOURABLE G. AMERONGEN  
SPEAKER OF THE LEGISLATIVE ASSEMBLY  
OF THE PROVINCE OF ALBERTA**

The Special Legislative Committee on Professions and Occupations established by resolution on April 26, 1972 herewith submits Report II and recommendations for consideration by the Legislative Assembly.

Respectfully submitted,



---

Catherine Chichak, M.L.A. — Chairman

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**REPORT OF THE  
SPECIAL COMMITTEE OF THE  
LEGISLATIVE ASSEMBLY OF ALBERTA ON  
PROFESSIONS AND OCCUPATIONS**

Mr. Richard D. Gruenewald	Member
Mr. Benjamin L. Halls	Member
Mr. Edgar W. Hoffman	Member
Mr. Calvin E. Lee	Member
Mr. Albert W. Loring	Member
Dr. Donald J. McCrimmon	Member
Dr. Kenneth R. M. Paprocki	Member

**DECEMBER 1973**







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The Committee wishes to acknowledge with thanks the contributions from the following individuals and organizations:

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Mrs. Catherine Chichak .....	Chairman
Mr. Richard D. Gruenwald .....	Member
Mr. Graham L. Harle .....	Member
Mr. Edgar W. Hinman .....	Member
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The Committee is indebted to the following staff members of the Department of Manpower and Labour and of Legislative Assembly for their support and contribution to the work of the Committee: James A. Cornell, R.A., Research and Analysis; Gary Kennedy, Research; Mr. Elaine Allen, Secretary.







## ACKNOWLEDGMENTS

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Dr. Douglas T. Wright, Commission Chairman of Study on Post-Secondary Education in Ontario

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For the benefit of those who are unfamiliar with the structure and function of a Special Committee of the Legislature, some clarification regarding such a Committee is desirable.

Members of the Legislative Assembly representing the Government and the Opposition are named by the Legislature to serve on a Special Committee to carry out a study on its behalf concerning certain specific subject matters as may be required to assist the Legislature in its deliberations. The subject matter to be covered and terms of reference of the Committee, as well as the time for reporting back, are determined by the Legislature. Following the tabling of the Committee's report, at a time when the Legislature is in session, the Legislative Assembly may initiate debate and request any action on the report that it feels is desirable.

The original Special Legislative Committee on Professions and Occupations was established in 1970. It reported to the Legislature in 1971 that it was unable to complete its study, and recommended that another Committee be constituted to complete the study. Under the auspices of this original Committee, a research study known as the **Bretten Report** was compiled and filed with the Clerk of the Legislative Assembly in 1971.

The present Special Legislative Committee on Professions and Occupations was established on April 26, 1972 and tabled an Interim Report in the Alberta Legislature in May 1973. Upon tabling this Interim Report the Chairman of the Committee asked the Legislative Assembly to allow the Committee to continue its review and examination and to report thereupon at the fall sitting of the second session of the seventeenth Alberta Legislature. The Legislative Assembly granted this request for an extension of time.

The Interim Report discussed the concerns expressed in presentations to the Committee regarding professions and occupations, and what the Committee considered should be the goals or objectives of legislation relating to the regulation of professions and occupations. The Interim Report also set out some conclusions arrived at by the Committee and, as well, numerous suggested proposals from various sources for general consideration.

This Report II of the Special Legislative Committee on Professions and Occupations contains the recommendations which the Committee considers desirable with regard to legislation pertaining to the regulation and licensing of professions and occupations, policies and principles underlying such legislation, and other matters relating to professions and occupations. It is hoped that the Legislative Assembly will find in the contents of this report the kind of information and direction that will be helpful in the process of law-making, relating to the area of study.

The Committee would like to thank the many groups, associations and concerned individuals who made valuable contributions to its study. The co-operation and consideration they gave the Committee made a difficult assignment possible within a rather limited period of time.

The Committee found the assignment very complex and the time schedule unduly short for the extensive study which seemed necessary. Therefore, this Report will attempt to convey the essence of the basic principles which appear pertinent to this study. The Committee recognizes that the Legislature may, no doubt, expand the consideration of these principles in its deliberations and in any legislative programs which may result.



On Wednesday, April 26, 1972, during the First Session of the Seventeenth Legislature, a Special Committee of the Legislative Assembly was established consisting of the following Members:

Honourable G. Topolnisky  
Mrs. C. Chichak (Chairman)  
Messieurs: R. D. Gruenwald  
G. L. Harle  
E. W. Hinman  
C. E. Lee  
A. W. Ludwig  
Dr. D. J. McCrimmon  
Dr. K. R. H. Paproski

with instructions that the said Committee:

1. a) Conduct a review of the existing Alberta legislation pertaining to
  - i) Regulations of Professions and Occupations;
  - ii) Licensing thereof.
- b) Examine generally the policies and

principles underlying such legislation, particularly in relation to those professions and occupations that have been given the power of self-regulation and licensing as distinguished from those regulated and licensed by the government; and

- c) Hear representations from associations incorporated under such legislation or that are representative members of a profession or occupation, whether it is presently subject to regulation by statute or not;

and that the same Committee meet at the call of the Chairman during any period of adjournment of the Assembly during this Session and between the prorogation of this Session and the next spring Session of this Legislature and make any recommendations it considers desirable in regard to the matters herein enumerated or related matters.

### III. RATIONALIZATION OF THE DEVELOPMENT OF PROFESSIONS AND OCCUPATIONS

During the last few decades, some very significant changes have taken place in our society. As a result of the knowledge explosion which occurred during this period, many new methods, approaches and techniques have been developed which affect both the professions and other occupations. These developments have not only affected existing professions and occupations, but have also led to the creation of a large number of new professions and occupations.

Presently, the professional and occupational groups in Alberta exist under the following legislative framework:

1. Those associations which are under their own Act of the Legislature and prohibit the practice of the profession or occupation outside the Act;
2. Those associations which are under their own Act of the Legislature and prohibit only the use of a particular designation or title by anyone who is not a member of the association;
3. Those associations which are under The Societies Act; and
4. Those groups which are not registered as an association, but whose members are licensed under Acts governing certain trades and businesses.

While this report deals primarily with professions and occupations in the first two major groups mentioned above, it is important that groups which now are registered under The Societies Act and aspire to obtain their own Acts of Legislature should strive to meet the criteria mentioned in the recommendations of this report.

In the future, an ever-increasing number of people will be employed in professions and occupations performing work that can be

carried out only by someone who has had special training. As the work performed by the members of various professions and occupations becomes more complex, it is apparent that an ever-larger number of professions and occupations may have to come under some form of statutory regulation requiring those involved to meet certain minimum standards.

Furthermore, as members of the licensed professions and occupations continue to become more dependent upon work done by para-professionals and technicians, it is possible that many of these para-professionals and technicians may also need to meet certain standards and come under some form of licensing in order to protect the public and ensure that the public interest will be served.

The Committee recognizes the valuable contribution of the many professions which have proposed the existing legislation which attempts to ensure that the public interest will be served and that the fundamental rights of individuals will not be abrogated. Some of these existing statutes may very well serve as models when legislation is being developed for new professions. However, it should be recognized that a vigilance needs to be maintained by these professions to ensure that the spirit of the legislation is carried out in its administration.

The recommendations contained in this report fall into the following five major categories:

- A. Criteria for Self-Government  
(Recommendations 1 to 3 inclusive)
- B. Certification and Licensing  
(Recommendations 4 to 13 inclusive)
- C. Professional Conduct, Discipline and Complaint Procedures  
(Recommendations 14 to 20 inclusive)



D. Continuing Education  
(Recommendation 21)

E. Accountability  
(Recommendations 22 to 28 inclusive)

A background discussion of each of these major areas and the related recommendations follows this paragraph.

**A. Criteria for Self-Government**

Legislation designed to regulate professions and occupations should, above all, guarantee the protection of the public interest. The public interest is usually defined as that which is in the best interest of the public.

The basic reason for regulating and licensing any profession or occupation is to protect the public against incompetence and fraud. Professional and occupational licenses are issued to safeguard and maintain the life, health, safety and property of the citizen and should be granted only to those who are qualified in their professions and occupations.

Traditionally, Legislatures have been hesitant to bring a profession or occupation under any form of regulation because of a reluctance to interfere with the rights of people to enter into the profession or occupation of their choice. Nevertheless, there are professions and occupations which require regulation to protect the public.

It is quite possible that an error, misjudgment or incompetence by a practitioner in certain professions and occupations may well be disastrous to the patient, client or recipient of a service and to a broad sector of the public. For example, the failure to make an accurate diagnosis may result in unleashing a serious epidemic. Similarly, misjudgment or carelessness in the field of electricity may plunge a whole area into a power failure in the middle of winter. Although such mistakes can never be completely eliminated, licensing and regulation can ensure that

practitioners are qualified by prescribed training and are made responsible for their competence and ethical standards to some authority which can monitor performance and take disciplinary action.

There are several different approaches which can be used to protect the public against incompetence or unethical practices. The regulation of a profession or occupation may be:

1. Delegated to a professional or occupational group;
2. Delegated to a government-appointed board or council; or,
3. Retained by the Province in a government department.

Various combinations of these three approaches can be used with the government retaining some of its authority, in one form or another and delegating the remainder of it to the professional or occupational group.

Generally the more exacting and involved the service in question, the more likely it is that only persons fully conversant with its practice are competent to prescribe and enforce appropriate standards of service. Therefore, when members of a profession or occupation are providing a fairly complex type of service, it is advisable to have some of these members involved in the regulation of the profession or occupation.

In the more recent past, when regulation of a profession or occupation was deemed necessary, the powers of self-government were usually delegated to groups which came under the traditional definition of a profession. A definition applied to a profession was — an occupation that properly required a liberal arts education (the higher branches of learning embracing the languages, history, science and philosophy) or its equivalent and mental rather than physical labour. The regulation of other occupations remained a function of government.

With the passing of time, it becomes increasingly difficult to use the traditional definition of a profession as a criterion to determine whether or not a particular group qualifies to be allowed to be self-governing. Certainly there is a need to assure that services rendered in occupational fields are free from practices which are not in the public interest. Whether or not emerging professional and occupational associations should be granted self-government must be determined according to criteria not necessarily unrelated to historic definitions.

It may be pointed out that the first associations to be self-governing, without any legislative approval, were the craft guilds. The traditional professions of our day further developed the idea of self-government along with the guilds. The professions are, nevertheless, quite conscious of the designation as a 'profession' and have invariably interpreted it to mean a branch or field of endeavour which, for ideal performance, requires an advanced degree of aptitude, ability, specialized training, responsibility, conscientiousness, self-discipline and ethical maturity.

This leaves the term 'occupation' to cover the fields of human endeavour in which an individual may occupy his time, energy and talent and render service after having acquired, through practice, observation, study and direction and/or training, such competence as is desirable to assure service of acceptable quality.

Many services, whether labelled professional or occupational, presently require little or no regulating and many people rendering services do not become associated under any type of legislation. However, as the nature of services performed in our society has changed and new professions and occupations have evolved and are evolving, the clear dividing line between occupations and professions has become indistinct.

Therefore, as more and more professional and occupational groups are being formed, the Committee is convinced that criteria to

be met for self-government under the statutes need to be developed. The degree to which applicants fulfill the requirements of these criteria may govern the degree of self-government permitted under legislation.

In light of the above discussion, the Committee recommends:

RECOMMENDATION 1: That there be no action on the part of government designed to prevent the logical and desirable development of professions and occupations which may emerge in response to the needs of society.

RECOMMENDATION 2: That there be developed clearly-articulated criteria to be used in determining the eligibility of a professional or occupational association for recognition under specific or general legislation granting some measure of self-governing power.

RECOMMENDATION 3: That the following criteria be used for determining eligibility for recognition under legislation as a professional or occupational organization to be granted some of autonomous rights or authorities:

- ✓ a. Evidence that there be a sufficient number of persons qualified in the field and wishing to be members of the proposed association to make the service available on a broad basis throughout the province;
- ✓ b. Evidence that the services to be provided by members of the association are of such a nature as to justify the requirement of adequate qualification;
- ✓ c. Evidence that standards of qualification will be realistic and subject to independent appraisal;
- ✓ d. Evidence that the services to be provided are of such a nature that they cannot be provided adequately by persons not qualified to become members;



- e. Evidence that there are or will be available acceptable training facilities, preferably in Alberta or Canada, to accommodate within reasonable limits, those who wish to take up the profession or occupation and who have acceptable basic aptitudes and educational backgrounds;
- f. Evidence that the services to be provided by the members of the association are not merely fragmentations or duplications of more comprehensive service programs of associations already recognized;
- g. Evidence that the granting of recognized status will not permit a monopoly which can unduly restrict the numbers licensed to practice or establish unreasonable fee schedules;
- h. Evidence that the granting of recognized status under legislation is clearly in the public interest and that the public interest will be better served if such legislation is passed;
- i. Evidence of proper administrative procedures and facilities (such as bylaws, business office, regular review of rules relating to quorums, minority subgroup representation on committees and governing councils, and use of mailed ballots for votes on resolution) indicating the capacity to fulfill the function of an association enjoying some degree of self-government;
- j. Evidence that the association has been operational for a certain period of time (i.e. three years) and currently represents ninety percent of the practitioners in the particular profession or occupation it represents;
- k. Evidence of the existence of a code of conduct and a demonstrated capacity to set up a satisfactory disciplinary process to enforce this code of conduct;

- l. Evidence of some mechanism that provides for ongoing upgrading and continuing competence of members;
- m. Evidence that the type of service to be provided by members is clearly identified; and
- n. Evidence of clearly identifiable admission procedures.

## **B. Certification and Licensing**

In the past, a limited number of Acts have been passed in Alberta giving certain professional and occupational groups the powers of self-government. The Acts which were passed were designed to protect the public either by prohibiting the practice of a particular profession or occupation by unlicensed persons or by limiting the use of a particular title or designation. Self-government usually includes the responsibility to:

- 1. License new entrants into the profession or occupation;
- 2. Set standards of performance and conduct; and
- 3. Discipline those who fail to meet these standards.

Licensing can be defined as the granting of a document, properly authorized, evidencing that the person named therein has met the requirements set out in statute to be permitted to practice in a profession, occupation or business, usually for a specified period of time. Certification can be defined as a formal written declaration signed by the appropriate officials of a recognized educational or training jurisdiction that the person named has met the requirements for the class of certification indicated therein.

As a general principle, the qualifications required to obtain a license to practice a profession or occupation should be set out as clearly as possible in legislation. This principle

is especially important as far as the self-governing professions and occupations are concerned. Setting out in legislation the qualifications required to obtain a license provides assurance that professional and occupational groups cannot arbitrarily raise standards to restrict entry.

There is no doubt that it is extremely difficult to set out in legislation such things as character requirements. However, to the extent that this can be done, it should be done. It almost goes without saying that licensing requirements should include only those kinds of qualifications that are actually required to protect the public.

If the qualifications required to obtain a license are clearly spelled out in legislation, it is quite possible that the public will continue to believe that this function can be properly carried out by the self-governing professional and occupational associations. However, it is very unlikely that the general public would be willing to delegate both the certification and the licensing functions to the self-governing professional and occupational associations.

The Committee concludes that, while licensing with appropriate safeguards is something that may become the responsibility of a professional or occupational association, certification of educational and skill attainment should more properly be the responsibility of some agency external to the association such as the Universities Co-ordinating Council or a board of examiners.

When an individual is denied admission into a profession or occupation he is prevented from earning a living in the occupation of his choice. Because the right to earn a living in the field of endeavour one chooses is a very fundamental right, anyone denied admission into a profession or occupation should have the right to appeal this decision.

Legislation should specify that a person who is refused a license may appeal this decision by a prescribed procedure, which may be to a

designated Minister. Furthermore, when someone is refused admission, he should be made aware of his right to appeal such a decision. Agencies involved in certification should also be required to set up a formal appeal procedure for those who are unsuccessful in having their credentials certified. Those who are unsuccessful in obtaining certification of their credentials should be made aware of their right to appeal.

When practice of a profession or occupation is restricted to licensed practitioners, it becomes necessary to specify in legislation the particular kind of work covered. This, of course, prohibits anyone else from carrying out certain types of work. Therefore, legislation defining areas of practice should be reasonably flexible.

With the emergence of numerous para-professional occupations and the trend toward team practice, flexibility in areas of practice will become even more important in the future. Legislation will need to allow flexibility and professional and occupational groups will need to use this flexibility wisely.

Hopefully, disputes between professional and/or occupational groups over the jurisdiction as to who should be allowed to perform certain types of work can be kept at a minimum in the future. However as new groups assume new responsibilities, it is inevitable that some problems of adjustment will arise. The Committee concludes that there appears to be a need for some mechanism to take care of these problems in such a way that the public benefits from their resolution.

During periods of acute shortages of some types of professionals, para-professional groups are established. As might be expected, the parent professional group is usually deeply involved in the establishment of the sub-group. As a result of this involvement, members of the professional group are appointed, at the request of members of the sub-group, to the board that controls the sub-group.



Once the sub-group becomes firmly established, a conflict of interest starts to grow up between the sub-group and its parent group. The conflict usually arises as a result of the parent group's attempt to prevent members of the sub-group from infringing upon what the parent group regards as its exclusive work jurisdiction.

Unfortunately, the conflict is frequently over a matter of which group or groups should be given the exclusive right to perform certain types of work. Although the public interest is given some token recognition, at times it appears as though the primary concern of the groups is for their own members.

For the reasons just mentioned, it would appear that control of one professional or occupational group by the members of another group creates unnecessary problems and does little to enhance the public interest. The Committee concludes that, except for matters of work supervision, no professional or occupational group should be controlled by the members of another professional or occupational group.

The main reason for the establishment of professional self-governing bodies and for government licensing of some occupations has been to ensure that only qualified and competent practitioners are allowed to practice in certain professions and occupations.

Over the last twenty-five years, some very significant developments have taken place in both the physical and social sciences. Consequently, a considerable increase has taken place in the size of the body of knowledge and the complexity of the techniques that the average member of many professions and occupations must master. This has resulted in higher entrance requirements, more pre-professional or pre-vocational training, and longer training programs. All these factors tend to limit the number of people who can enter and complete any particular program.

The Committee has received representations that admission standards for new entrants

into some professions and occupations have been raised to unrealistically high levels. Another rather serious concern which has been raised regarding several licensed professional and occupational groups is that their highly-qualified members are often doing certain types of work which could be properly undertaken by someone with considerably less training at a lower cost. For reasons such as these, the Committee believes that a comprehensive review and evaluation of entrance requirements into the licensed professions and occupations is essential.

There has also been a concern expressed to the Committee regarding the inflexibility which exists in the present system of certification and licensing. Many people believe that a person should be able to take more than one route to qualify for a professional or occupational license.

At the present time, in most of the licensed professions and occupations, there is a very rigid link between specific educational or training courses and certain professional or occupational licenses. Often, unless a person has completed a specific training program, he is not even allowed to write an admission examination. Para-professionals frequently have much of the training and experience provided for in usual programs for advanced certification, yet they are generally required to start at the beginning of the professional training program. It does not appear practical to the Committee to have duplication of courses of training for final certification in every area.

Recent studies into post-secondary education have revealed a concern regarding this problem, and have stated that the rigid links between training and licensing should be broken down. Some writers have suggested that a system of step-licensing or a sliding scale of licensing should be implemented to help overcome this problem.

In the past, some professional and occupational associations have been given the right, by the Legislature, to act as the ex-



clusive bargaining agent for their members. If this practice is continued in the health disciplines, there will soon be a proliferation of collective bargaining units in hospitals. This would contribute to disputes as to areas of work jurisdiction and be detrimental to a harmonious team approach that should be encouraged in this area.

The Committee has received representations from some members of the public who have argued that if a professional or occupational association is considered sophisticated enough to be granted the powers of self-government, it should be concerned enough with the public interest that it would not condone strike action by its members. Others have argued that services provided by members of licensed professions and occupations which are self-governing should be regarded as essential services and that strikes should be prohibited by their associations on this basis. Some members of the public find it difficult to understand how there can be justification for granting a group the privileges of self-government as well as full collective bargaining rights. However, as the Committee feels that this issue requires more in-depth study, the Committee will not make any specific recommendations in this area. Perhaps a closer examination of this matter may be regarded as necessary at some future date.

In view of the foregoing discussion, the Committee recommends:

**RECOMMENDATION 4:** That a self-governing professional or occupational association not have control over certification.

**RECOMMENDATION 5:** That when the public interest requires that a profession or occupation be licensed, that the qualifications required to obtain a license be set out in legislation.

**RECOMMENDATION 6:** That legislation provide an appropriate procedure for appeal for those who have been refused a license to practice.

**RECOMMENDATION 7:** That certification of education and competence continue to be handled by some agency external to the association such as the Universities Co-ordinating Council or boards of examiners.

**RECOMMENDATION 8:** That decisions of agencies involved in certification be subject to review and comment by a body such as a Council for Professions and Occupations.

**RECOMMENDATION 9:** That definitions of areas of practice of a profession or occupation be reasonably flexible.

**RECOMMENDATION 10:** That some specific mechanism be developed to resolve disputes relating to jurisdictions of work.

**RECOMMENDATION 11:** That no professional or occupational group be controlled by the members of another professional or occupational group, except for matters of work supervision.

**RECOMMENDATION 12:** That a comprehensive review and evaluation of standards for admission into the various professions and occupations be undertaken, including standards of admission into educational facilities.

**RECOMMENDATION 13:** That the statute creating a professional or occupational association to which collective bargaining may apply not designate the association as the official agent for collective bargaining but that this be properly determined under the Alberta Labour Act.

### **C. Professional Conduct, Discipline and Complaint Procedures**

The Bretten Report of 1971 states that there are twenty-five provincial Acts in Alberta which confer powers of self-government on a profession or occupation. Each Act incorporates a professional society, association or institute, consisting of members of a profession or occupation. The twenty-five Acts cover twenty-nine distinct professions and occupations. Groups such as doctors, lawyers,



dentists, architects and engineers come under these Acts.

Approximately seventy additional professions, trades and occupations are covered by a second group of thirty-three provincial Acts and regulations which constitute a government-operated licensing system. These Acts and their regulations provide that the professions, occupations and trades they cover can be carried on only by holders of a license, certificate or registration issued by a government official or a government-appointed body. In some instances, the applicant for a license is required to show a minimum of technical competence or suitability by reason of personal character. The Committee recognizes that some associations such as the insurance, real estate, psychiatric nurses associations and others have established courses as a prerequisite to licensing, which have increased training and raised minimum standards. These groups and others such as electricians, securities salesmen, barbers, plumbers, gas fitters and land buyers are governed under this group of Acts.

A third group of about forty Acts contain regulations which cover a large number of trades and businesses. These Acts require that an individual, a partnership or a corporation which carries on a particular business or trade be a holder of license, certificate or registration. Normally, all that is required is the payment of a fee and a license can be issued. In most cases there are no special requirements as to training, suitability or character, however in some cases a bond will be required. Such groups as water well drillers, grain buyers and many other businesses and occupations are covered by this group of Acts.

As well, a number of groups have been formed as associations under The Societies Act. Although this Act gives them very limited control of their members, it does allow the creation of an association which can be used as a vehicle by the group to develop its membership. Generally, groups so associated act in a way that can be considered to

be very much in the public interest. They usually promote educational development, professional competence, and high ethical standards.

There are those who argue that some of the groups which have been incorporated under a separate Act and delegated certain powers of self-regulation should not rightfully have been thus incorporated. It is argued that some of the groups which presently have self-regulation obtained it merely to enhance the prestige of their group. However, the Committee is not required, nor does it desire, to determine the philosophy under which such Acts were established.

There are many different professional and occupational groups providing a wide variety of services, many similar in nature, causing confusion in the minds of consumers. Many consumers do not know that certain kinds of services are available, much less who provides these services. The lack of information on the availability of services provided by professional and occupational groups appears to be a very real problem. It is quite possible that many people may have a need for a particular type of service but are not aware of its availability.

Historically, some professional and occupational groups have limited the type and amount of advertising their members may use. The rationale for a restriction on advertising is that it prevents the type of 'cut-throat' competition which could be harmful to the public interest. Unfortunately, these prohibitions have also had the effect of reducing public awareness of the nature of services the members of these groups have to offer.

It may be that unlimited advertising by individual members of professional groups could work against the interests of the public. Nevertheless, it may also be reasonable to ask why the group as a whole could not publicize, to a greater extent than at present, the nature of the services being provided by its members.



Each of the self-governing professions and occupations in Alberta has been given the authority to take disciplinary action against its members for professional misconduct. Usually professional misconduct is broadly defined as conduct which is not in the interests of public or the profession.

The Committee recognizes that it is extremely difficult to stipulate in advance all the varieties and types of activity which should be regarded as professional misconduct. However, to the extent that this is possible, each self-governing professional or occupational group should draw up rules of practice or a code of ethics which sets out the types of conduct which may be considered to be professional misconduct. Copies of these rules of practice or codes of ethics could be made available to each member of the profession they cover. The Committee recognizes the degree to which this is currently being carried out. Copies could also be made available to the Department of Consumer Affairs and the Council for Professions and Occupations.

It is important that every member of a self-governing profession or occupation be aware of the range of sanctions which may be imposed for professional misconduct. To the extent that this is possible, these sanctions could be set out in legislation. It becomes the responsibility of each member of the self-governing professions and occupations to be aware of the range of sanctions which apply to his or her profession or occupation.

The Committee received complaints that some members of the professions and occupations are reluctant to tell their client, patient or recipient of a service in advance how much a particular service will cost. On the other hand, many consumers are too embarrassed to ask in advance how much a professional's services will cost. The Committee feels that professional and occupational associations could encourage their members to provide their patients, clients or recipients of service, in advance, with an estimate of the costs of their services.

As was mentioned earlier, it appears that many consumers are not adequately familiar with the services being offered by the members of the many professional and occupational groups presently in existence. There appears to be an even greater unfamiliarity with the existence of formal complaint procedures. It is true that the average layman usually knows what type of service is offered by some of the traditional professions such as the legal and medical professions, and is aware that he can go to their professional associations if he has a complaint against one of their members. However, in other fields of service, the average layman usually does not know where to lodge a complaint.

Often the complaint procedures available are adequate to resolve most real or imagined injustices. However, the average citizen is just not well enough informed to be aware of all that is available. Coupled with this problem is the further problem that many people are reluctant to go directly to a professional association with a complaint against one of its members. There is disbelief that such an association would put the interests of an individual complainant ahead of the interests of one of its own members. Even though, in most cases, this prejudgment may be unjustified, it still exists in the minds of a large number of people.

Some consumers fear that if they complain directly to a self-governing professional or occupational association, the association may be too severe in its discipline of its own member. Other members of the public seem to believe that it is futile to complain to an association about one of its own members.

The Committee has come to the conclusion that there is a need for a channeling agency or some responsibility under the periphery of a council, an Ombudsman or the Department of Consumer Affairs, for those who wish to take that route with their complaints against members of self-governing or government-regulated professions and occupations. This agency or council could direct complaints to the appropriate self-governing



body or government department. It would not itself work on resolving problems. The future experience of such an agency or council will determine its role in time to come.

Some of the self-governing professional groups in Alberta have well-developed machinery to handle complaints and to discipline members. The legislation setting up these groups goes a long way toward ensuring that complaints are handled properly and that disciplinary proceedings observe the laws of natural justice.

However, there are problem areas as far as complaint procedures and discipline are concerned. For example, complaints can be delayed or dismissed at the initial stage and at present there is not always a procedure to resolve this problem.

It would appear therefore that there is a need for an appeal procedure at a higher level than the disciplinary committee. In cases where no decision is made by the committee it could be taken as an unfavourable decision and an appeal should be allowed. The elected executive members of the self-governing profession or occupation could be the body for appeals. This, of course, would mean that all the self-regulating professions and occupations would be required to have disciplinary committees made up of members who are not executive members of the governing body or governing council. In any event, those members serving on the disciplinary committee should not sit on the body or panel to which the matter is appealed.

A final appeal to a Judge of the Supreme Court should be made available to complainants who are still dissatisfied after having been heard by both the disciplinary committee and the executive committee of the governing body. Very few complainants would ever have to go to this third stage. However, the very fact that this final appeal is available would ensure that justice is always available.

It is important that legislation establishing a self-governing profession or occupation ensures that the laws of natural justice apply to all cases involving the discipline of a member. Natural justice is basically fair play. In the case of a disciplinary hearing, there should be a requirement that a member of a profession or occupation being charged be given a full and fair opportunity to be heard before an impartial tribunal.

The concept could be expanded to also require adequate notice of the hearing, provision for adjournment of the hearing if necessary, notice of the hearing to be served personally or by registered mail to the member charged, provision for the right of the accused to a public or private hearing, the right to be represented by counsel, the right to cross-examine, and provision that an appeal against the decision of the disciplinary body may be made within a specified period of time.

The Committee makes the following recommendations relating to professional conduct, discipline and complaint procedures:

**RECOMMENDATION 14:** That each of the professional and occupational groups be encouraged to inform the public to a greater degree than at present of the general nature of the services its members offer as well as the specialized services offered by certain members.

**RECOMMENDATION 15:** That legislation assure that standards of conduct as applied to professional and occupational practice be as clearly defined as possible.

**RECOMMENDATION 16:** That the range of sanctions which may be imposed for particular breaches of conduct be as clearly delineated as possible and should be set out in the legislation, if a statute has been granted.

**RECOMMENDATION 17:** That professional and occupational groups require their members to advise their clients, patients or recip-

ients of a service in advance, to the extent possible, regarding fees or charges for services.

**RECOMMENDATION 18:** That the professional and occupational groups be encouraged to publicize more effectively the complaint procedures available.

**RECOMMENDATION 19:** That there be provided a widely publicized mechanism for receiving and channeling complaints to the appropriate disciplinary body to accommodate that sector of the public which does not wish to go directly to the professional or occupational group.

**RECOMMENDATION 20:**

- a. That legislation provide that a complainant with a complaint against a member of a self-governing profession be provided by the disciplinary committee with a written copy of the decision with reasons.
- b. That legislation provide that a complainant or a member who is not satisfied with a decision made by a disciplinary committee may, within thirty days of the decision, appeal that decision to the governing body or governing council of the self-governing profession.
- c. That legislation provide that when a governing body or governing council reviews a decision made by the disciplinary committee, it may:
  - i. Confirm the decision of the disciplinary committee;
  - ii. Recommend changes in the decision of the disciplinary committee; and/or
  - iii. Require the disciplinary committee to reconsider the entire matter.
- d. That statutes relating to self-governing

professions and occupations provide that a complaint be investigated and a decision given within a specified time and provide for an appeal procedure if it is not received within the specified time.

- e. That legislation provide that any party to proceedings before a disciplinary body may appeal the final decision to a Judge of the Supreme Court.
- f. That legislation provide that appeals to a Judge against decisions of disciplinary committees may be made on questions of law and/or fact, and the Judge may:
  - i. Rescind the decision of the disciplinary body;
  - ii. Direct the disciplinary committee to take any action the Court considers proper;
  - iii. Substitute his or her opinion for that of the disciplinary body; and/or
  - iv. Refer the matter back to the disciplinary body for re-hearing in whole or in part.

#### **D. Continuing Education**

The professional in today's society is confronted with a constantly changing body of knowledge. As a result of this, the nature of the work one is doing is subject to continuous change. Therefore, one should have the motivation to update continually one's knowledge and adapt it to everyday practice.

The sheer volume of new research and the current tendency toward post-graduate study presents a very real challenge to both the professional and the para-professional who want to keep up with new developments in their area of practice. Continuing education for these people is a very important issue.



There appear to be three aspects to consider when discussing continuing education for professionals:

- a. Updating activities designed for those professionals presently active in the field, to help make themselves aware of current and expanding knowledge available;
- b. Upgrading and refresher courses designed for those who have not practiced in their field for some time. This would again raise the levels of both their knowledge and competence to a point where they could requalify for active practice; and
- c. Specialization after graduation for those who wish to specialize in certain areas. Those who specialize may or may not require an additional certification.

Various methods or combinations of approaches such as professional journals, annual conferences, work-shops and seminars, guest lecturers, short courses and various kits of special media material can and are being used to inform practitioners of new developments. Although the members of these associations may not be required to write an annual examination, compulsory participation in combinations of these programs might ensure that members are at least exposed to new ideas.

Continuing competence is an area of concern for many members of the public. This also is an area of concern for many professionals themselves. There are some who feel that a professional should be required to undergo a review on a regular basis. Although generally there is recognition that it is extremely difficult to design this procedure, some professions are proceeding with plans in this direction.

The Committee believes that the professional and occupational groups could work closely with post-secondary educational and other

training institutions when they are developing special programs to update their members. If recertification of members is introduced, these associations could involve those agencies which are currently handling the certification process. The Committee believes that requalification certification of education and skill attainment should not come under the total and direct control of the professional or occupational association.

**RECOMMENDATION 21:** That all professions and occupations be encouraged to develop formalized continuing education programs for their members through the resources of their own association and through co-ordination with specific institutions.

### **E. Accountability**

The right to self-government is a privilege granted to a professional or occupational group by the legislature. Self-regulation is granted to a group on the assumption that the particular group is better able to protect the public interest than any other agency. Along with the right to self-government go a range of responsibilities to serve the public interest which are not ordinarily imposed upon categories of professions and occupations which do not have the powers of self-government.

Some very broad legislative powers (the power to make rules and by-laws) and judicial powers (the power to discipline) are granted to self-governing professional and occupational associations. For this reason, it is important that these groups account to the Legislature on a regular basis.

At the present time, almost every department of the Government of the Province of Alberta is involved in the administration of some Acts and regulations covering professions, occupations and businesses. There is certainly some justification for having certain statutes, especially those covering the self-governing professions and occupations, administered by certain government departments. However it is very difficult to achieve uniformity, continuity and consistency in the



administration of these Acts by using this approach.

The Committee feels it is desirable to have uniformity, continuity and consistency in the development of legislation relating to the regulation of professions and occupations. To achieve such a goal it seems logical that all new legislation and amendments relating to these groups should be guided through one Minister. Often rules, by-laws and regulations enacted by associations have some very significant implications. There is also general agreement within the Committee that these rules, by-laws and regulations should always have Lieutenant-Governor-In-Council approval and should be published in the Alberta Gazette.

There have been many suggestions and comments regarding the possibility and advisability of drafting umbrella legislation to cover all the self-governing professions and occupations. The Committee also received recommendations that a model Act should be developed, and as well, suggestions that cluster Acts should be drafted to cover broad groups of similar professions and occupations.

Several professional and occupational groups have argued that, because no two groups are alike and each group performs a different type of service, the concept of an umbrella Act is unrealistic. One group suggested that a better approach would be to draw up a set of principles which could be used as a guide for drafting legislation governing professions and occupations.

In spite of the strong representations made by some of the professional groups against umbrella legislation, Committee members feel after reviewing current legislation as well as proposed and existing legislation in other jurisdictions, that an attempt should be made to draft umbrella Acts encompassing groups of related professions, or alternatively, one umbrella Act. The members believe that the similarities between existing Acts outweigh the differences. Some discussion was also held on the possibility of an umbrella Act for professions and an umbrella Act for occupations.

However, the Committee feels there is a real problem in differentiating between professional or occupational status in some areas. When the proposed umbrella Acts and the single umbrella Act are drafted, they could then be presented to the professional and occupational groups for their comments and criticism.

The very complexity of the issues which arise pertaining to professions and occupations make it difficult to assess the impact of new legislation and amendments to existing legislation relating to these groups. For example, there is the question of whether or not a group has the capability to assume the responsibilities of self-government as measured by the criteria outlined earlier in this report. Therefore, it was decided that there is a need for an advisory body such as a Council for Professions and Occupations which could review, assess and make recommendations to the designated Minister on all legislation relating to professions and occupations.

The Council could also act as a channeling agency for complaints against members of professions and occupations. It could examine admission standards into professions and occupations as well as into training programs required to gain entrance into professions and occupations.

The Council could also collect and disseminate information relating to professional and occupational activity as well as assist in the resolution of differences between professional and/or occupational groups. This would not necessarily include the responsibility to collect and disseminate the types of information which are presently handled by the groups themselves, but instead would be a service complimentary to that which is presently offered by the groups. It could also provide assistance and advice to existing and developing groups.

Not all self-governing professional and occupational groups in Alberta are required under existing legislation to table annual reports in the Legislature. The Committee feels



that, because of the extensiveness of the powers granted to these groups, they should be required to report to the body from which they derive their authority.

Annual reports of self-governing professional and occupational groups could cover such topics as the number, nature and disposition of complaints, disciplinary cases, professional development, statistics on the number of active members, the number of new members, the number of members departing from the group and the age composition of the membership, and other subjects of interest to the members of the Legislature and the public. These annual reports could also serve as a vehicle for the self-governing professional and occupational groups to inform the members of the Legislature and the general public of the extent to which they are serving the public interest.

The following recommendations are made in view of the preceeding discussion:

**RECOMMENDATION 22:** That all new legislation and amendments to legislation relating to professional and occupational associations recognized by legislation be dealt with by one Minister.

**RECOMMENDATION 23:** That an advisory body such as a Council for Professions and Occupations be established to review, assess and make recommendations to the designated Minister on all new legislation and amendments to existing legislation relating to professions and occupations. The following types of representation could be considered when members of the Council are selected:

- a. Three representatives named from the Council of Professional Associations (C.O.P.A.);
- b. One member from the University Affairs Committee;
- c. One member from the College Affairs Committee;
- d. One representative from the Alberta

Federation of Labour (A.F.L.);

- e. Two Members of the Legislature;
- f. Two citizens at large; and
- g. One government-appointed Chairman.

**RECOMMENDATION 24:** That the designated Minister may call on the Council for Professions and Occupations to carry out such functions and duties as the Minister sees fit, including any or all of the following::

- a. Accept and refer complaints;
- b. Scrutinize and examine existing statutes or amendments to such statutes and prospective statutes and make recommendations;
- c. Examine standards of admission to specific training programs and for licensing and make recommendations;
- d. Collect and disseminate information relating to professional and occupational activity, where it is determined to be advisable to do so;
- e. Monitor, advise and mediate in relationships between various professional and occupational groups;
- f. Provide assistance and advice to professional and occupational groups in administration and advancement of their aims;
- g. Develop suggested legislation relating to professions and occupations;
- h. Develop advisory guidelines and criteria for use by the Legislature in granting elements of self-government; and
- i. Examine specific cases and concerns and make recommendations for legislation where such seems advisable.

RECOMMENDATION 25: That there be developed for consideration by the Legislature umbrella Acts for clusters of professions and occupations or one umbrella Act to cover professions and occupations.

RECOMMENDATION 26: That the fee schedule adopted by professional and occupational groups be by way of guideline rather than minimum tariff and be filed with the Department of Consumer Affairs within thirty days of their adoption for information purposes and hence, to improve public awareness.

RECOMMENDATION 27: That legislation require approval of the Lieutenant-Governor-In-Council followed by filing and publication in the Alberta Gazette of all rules, by-laws and/or regulations enacted by the association.

RECOMMENDATION 28: That each of the self-governing professional and occupational groups should be required to table an Annual Report in the Legislature, applying as a guideline for its content such areas of information as are discussed in this report.

In concluding this report, the Committee has felt that readers will find useful a statement in summary form, of the elements of public interest or general good which have guided its deliberations and the formulating of recommendations which are restated in their entirety hereafter.

1. That the service offered by members of a profession or occupation be potentially useful, desirable and safe;
2. That such service be as available as possible to all those who might benefit therefrom;
  - a. That there be enough qualified persons ready to provide the service;
  - b. That the costs of service be readily determined and at such a level as not to be prohibitive to those requiring it; and
  - c. Distribution of service centres be such that the service be conveniently available to as many as possible.
3. That charlatanism be revealed and discouraged;
4. That no one offering service attempt to exceed the levels of his competence;
5. That there does not develop a degree of monopoly which reserves to these highly-certificated elements of service in their field which might well be provided at lesser cost by persons of lesser but adequate certification;
6. That those licensed to serve be accountable for their errors, omissions and ethical conduct;
7. That there be well-advertised, easily accessible agencies to receive and evaluate complaints and that these be supplemented by such appointed policing agencies as appear necessary;
8. That in matters of discipline the rights, privileges and reputations of those whose conduct is in question be amply protected by fair hearing, evidence under oath, the right of cross-examination, the right to subpoena evidence, records and witnesses and appeal procedures;
9. That there be bonding or assurance funds provisions to assure that compensation is available when awarded;
10. That there be licensing regulations which assure continued competence on the part of those licensed;
11. That competition not be eliminated by limiting the numbers of those permitted to qualify and be licensed by:
  - a. Arbitrary limitation;



- b. Lack of training facilities;
  - c. Unreasonably high qualification standards;
  - d. Lack of facilities or procedures by which immigrants may be admitted to practice;
  - e. Training and qualification costs which eliminate many desirable candidates; and
  - f. Lack of student loans.
12. That there be such levels of remuneration, facilities and prestige as are necessary to attract desirable candidates and practitioners in each field of endeavour; and
13. That those qualified, licensed and practicing have ample voice in matters of qualifications, competence, performance, ethics and discipline.

#### IV.

#### CONSOLIDATED RECOMMENDATIONS

The following recommendations, all of which have been discussed earlier, are restated here for the convenience of the reader. They are intended by the Committee to be considered as the general direction of and the basis for the establishment of procedures to be applied when granting statutes to new professional and occupational groups. It should, however, be recognized that some of the existing statutes relating to professions and occupations do not contain the necessary safeguards to ensure that the basic rights of individuals are protected. Therefore, all such legislation will need to be reviewed and amended where necessary to ensure that fundamental rights are not encroached upon.

It is the feeling of the Committee that the planning of new legislative procedures for professions and occupations is desirable and will require that the government and members of the professions and occupations work together in a co-operative way.

RECOMMENDATION 1: That there be no action on the part of government designed to prevent the logical and desirable development of professions and occupations which may emerge in response to the needs of society.

RECOMMENDATION 2: That there be developed clearly-articulated criteria to be used in determining the eligibility of a professional or occupational association for recognition under specific or general legislation granting some measure of self-governing power.

RECOMMENDATION 3: That the following criteria be used for determining eligibility for recognition under legislation as a professional or occupational organization to be granted some degree of autonomous rights or authorities:

- a. Evidence that there be a sufficient number of persons qualified in the field and wishing to be members of the proposed association to make the

service available on a broad basis throughout the Province;

- b. Evidence that the services to be provided by members of the association are of such a nature as to justify the requirement of adequate qualification;
- c. Evidence that standards of qualification will be realistic and subject to independent appraisal;
- d. Evidence that the services to be provided are of such a nature that they cannot be provided adequately by persons not qualified to become members;
- e. Evidence that there are or will be available acceptable training facilities, preferably in Alberta or Canada, to accommodate those who wish to take up the profession or occupation and who have acceptable basic aptitudes and educational backgrounds;
- f. Evidence that the services to be provided by the members of the association are not merely fragmentations or duplications of more comprehensive service programs of associations already recognized;
- g. Evidence that the granting of recognized status will not permit a monopoly which can unduly restrict the numbers licensed to practice or establish unreasonable fee schedules;
- h. Evidence that the granting of recognized status under legislation is clearly in the public interest and that the public interest will be better served if such legislation is passed;
- i. Evidence of proper administrative procedures and facilities (such as by-laws, business office, regular review of rules relating to quorums, minority sub-



group representation on committees and governing councils, and use of mailed ballots for votes on resolutions) indicating the capacity to fulfill the function of an association enjoying some degree of self-government;

j. Evidence that the association has been operational for a certain period of time (i.e. three years) and currently represents ninety percent of the practitioners in the particular profession or occupation it represents;

k. Evidence of the existence of a code of conduct and a demonstrated capacity to set up a satisfactory disciplinary process to enforce this code of conduct;

l. Evidence of some mechanism that provides for ongoing upgrading and continuing competence of members;

m. Evidence that the type of service to be provided by members is clearly identified;

n. Evidence of clearly identifiable admission procedures.

RECOMMENDATION 4: That a self-governing professional or occupational association not have control over certification.

RECOMMENDATION 5: That when the public interest requires that a profession or occupation be licensed, that the qualifications required to obtain a license be set out in legislation.

RECOMMENDATION 6: That legislation provide an appropriate procedure for an appeal for those who have been refused a license to practice.

RECOMMENDATION 7: That certification of education and competence continue to be handled by some agency external to the association, such as the Universities Co-ordinating Council or boards of examiners.

RECOMMENDATION 8: That decisions of agencies involved in certification be subject to review and comment by a body such as a Council for Professions and Occupations.

RECOMMENDATION 9: That definitions of areas of practice of a profession or occupation be reasonably flexible.

RECOMMENDATION 10: That some specific mechanism be developed to resolve disputes relating to jurisdictions.

RECOMMENDATION 11: That no professional or occupational group be controlled by the members of another professional or occupational group, except for matters of work supervision.

RECOMMENDATION 12: That a comprehensive review and evaluation of standards for admission into the various professions and occupations be undertaken, including standards of admission into educational facilities.

RECOMMENDATION 13: That the statute creating a professional or occupational association to which collective bargaining may apply not designate the association as the official agent for collective bargaining, but that this be properly determined under the Alberta Labour Act.

RECOMMENDATION 14: That each of the professional and occupational groups be encouraged to inform the public to a greater degree than at present of the general nature of the services its members offer as well as the specialized services offered by certain members.

RECOMMENDATION 15: That legislation assure that standards of conduct as applied to professional and occupational practice be as clearly defined as possible.

RECOMMENDATION 16: That the range of sanctions which may be imposed for particular breaches of conduct be as clearly delineated as possible and should be set out in legislation, if a statute has been granted.

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RECOMMENDATION 20:

a. That legislation provide that a complainant with a complaint against a member of a self-governing profession be provided by the disciplinary committee with a written copy of the decision with reasons.

b. That legislation provide that a complainant or a member who is not satisfied with a decision made by a disciplinary committee may, within thirty days of the decision, appeal that decision to the governing body or governing council of the self-governing profession.

c. That legislation provide that when a governing body or governing council reviews a decision made by the disciplinary committee, it may:

i. Confirm the decision of the disciplinary committee;

ii. Recommend changes in the decision of the disciplinary committee; and/or

iii. Require the disciplinary committee to reconsider the entire matter.

d. That statutes relating to self-governing professions and occupations provide that a complaint be investigated and a decision given within a specified time and provide for an appeal procedure if it is not received within the specified time.

e. That legislation provide that any party to proceedings before a disciplinary body may appeal the final decision to a Judge of the Supreme Court.

f. That legislation provide that appeals to a Judge against decisions of disciplinary committees may be made on questions of law and/or fact, and the Judge may:

i. Rescind the decision of the disciplinary body;

ii. Direct the disciplinary committee to take any action the Court considers proper;

iii. Substitute his or her opinion for that of the disciplinary body; and/or

iv. Refer the matter back to the disciplinary body for re-hearing in whole or in part.

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Minister on all new legislation and amendments to existing legislation relating to professions and occupations. The following types of representation could be considered when members of the Council are selected:

- a. Three representatives named from the Council of Professional Associations (C.O.P.A.);
- b. One member from the University Affairs Committee;
- c. One member from the College Affairs Committee;
- d. One representative from the Alberta Federation of Labour (A.F.L.);
- e. Two Members of the Legislature;
- f. Two citizens at large; and
- g. One government-appointed Chairman.

RECOMMENDATION 24: That the designated Minister may call on the Council for Professions and Occupations to carry out such functions and duties as the Minister sees fit, including any or all of the following:

- a. Accept and refer complaints;
- b. Scrutinize and examine existing statutes or amendments to such statutes and prospective statutes and make recommendations;
- c. Examine standards of admission to specific training programs and for licensing and make recommendations;
- d. Collect and disseminate information relating to professional and occupational activity, where it is determined to be advisable to do so;
- e. Monitor, advise and mediate in relationships between various professional and occupational groups;

- f. Provide assistance and advice to professional and occupational groups in administration and advancement of their aims;
- g. Develop suggested legislation relating to professions and occupations;
- h. Develop advisory guidelines and criteria for use by the Legislature in granting elements of self-government; and
- i. Examine specific cases and concerns and make recommendations for legislation where such seems advisable.

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RECOMMENDATION 28: That each of the self-governing professional and occupational groups should be required to table an annual report in the Legislature, applying as a guideline for its content such areas of information as are discussed in this report.

## **APPENDICES**





## APPENDIX A

### COMMENTARY ON BRIEFS AND SUBMISSIONS TO THE SPECIAL LEGISLATIVE COMMITTEE ON PROFESSIONS AND OCCUPATIONS

A number of the groups and associations which presented briefs to the Special Legislative Committee on Professions and Occupations made requests for new legislation or recommendations for changes to existing legislation.

Some of the self-governing professional and occupational groups have stated that they would be pleased to submit an annual report to the Legislature and the Committee has made a recommendation that this should be done. Other self-governing groups have asked that they be allowed to have complete control over certification and continuing education. The Committee has recommended that, although licensing powers may be delegated to self-governing professional and occupational groups, certification should be handled by a body outside the control of the group in question.

Some of the self-governing professions and occupations which do not presently have the exclusive right to practice certain types of work have asked that they be given this privilege. The Committee feels that, before such requests are granted, it is essential to determine that the granting of such additional power is clearly in the public interest. A suggestion has been made that, if necessary, a Committee of the Legislative Assembly could be constituted to examine proposed legislation relating to professions and occupations and that such a Committee could sit while the House is in recess and provide supporting information to the Legislative Assembly on proposed legislation relating to professions and occupations. The Committee's recommendation, in this area, is the creation of a Council for Professions and Occupations.

A number of the professional and occupational groups and associations which presented briefs to the Committee requested a greater

degree of regulatory control than presently exists for their profession or occupation. In most cases, these groups felt that the public was suffering because incompetent and unethical practitioners outside the membership of the association are being allowed to practice at the present time and the association is powerless to discipline them. Several groups who do not currently come under legislation which gives them the power of self-government have indicated their desire to be covered by this type of legislation.

A small number of groups have requested that the administration and enforcement of existing licensing legislation and regulations be strengthened. In some areas, it has been suggested that boards or councils should be set up to set and maintain standards as well as discipline members and non-members of the associations. In other areas, groups have suggested bonding, higher licensing fees, more comprehensive entrance standards, compulsory training programs, stricter enforcement of existing legislation and compulsory membership in a particular association as ways in which the public could be given greater protection.

Taking into consideration the above concerns, the Committee has as one of its recommendations stated that an advisory board be established to review, assess and make recommendations to the Minister on all new legislation and amendments to existing legislation relating to professions and occupations.

The Committee also received a number of briefs from concerned individuals. These briefs expressed a concern that the self-governing professions and occupations were abusing the monopolistic powers granted to them by the Legislature. Excessively high fees, poor service and incompetence were cited as 'evidence' that the self-governing



groups were not living up to the responsibilities assigned to them by the Legislative Assembly. Some of the individual briefs also expressed a strong dissatisfaction with the complaint procedures which are presently available.

Another suggestion which the Committee received was that lay members should be appointed to governing and disciplinary bodies of each of the self-governing professional and occupational associations. The Committee has considered this suggestion and has recommended that lay members be appointed to the Council for Professions and Occupations rather than to the governing and disciplinary bodies of each of the self-governing professional and occupational associations. The members of the Committee believe that the recommendations they have made provide that professional and occupational associations will serve the public interest and treat members and potential members fairly.

## APPENDIX B

### EXCERPTS FROM BRIEFS AND SUBMISSIONS

The written submissions and the transcript of oral submissions formed a massive accumulation to be read and considered by the Committee. Out of these it has been possible to interpret many points of view. The following excerpts and summaries, taken from the submissions, are illustrative of the concepts with which the Committee was confronted. They are included for this purpose and the reader, in making evaluations from them, must recognize the danger of taking them out of context of the complete submissions.

#### **Institute of Accredited Public Accountants of Alberta**

1. "There should be governmental regulation of the practice of accountancy in the Province of Alberta."
2. "... should take the form of controlling standards ... in terms of educational requirements and experience, and of regulating the accounting services provided to the public in terms of controlling adherence to standards of ethics, ruling on matters of discipline, and dealing with complaints of the general public ..."
3. "... the regulation ... should be carried out by a board set up by the government of the Province. The board should consist of representatives of those organizations presently engaged in the practice of accountancy ... together with representatives from the appropriate governmental department, and possibly some members of the general public."
4. "The board would regulate those who practice accountancy presumably by a system of licensing based on the needs of the province as determined by the government."
5. "In the event that regulation of account-

ancy does come into existence, then we strenuously urge that we be allowed to remain as a viable professional body within the overall regulated system ... will allow for the continued strengthening of our professional qualifications ... and can provide a means whereby standards which may be higher than the minimum can be enforced and maintained."

Following are further comments submitted in response to, and requested in, the Interim Report on Professions and Occupations; published in April 1973.

1. "We agree that the rational development of professional and occupational groups be encouraged so that undue proliferation does not take place."
2. "We are of the opinion that all professional organizations who offer their services to the public for a fee should in some way inform the public what these services are."
3. The Institute feels a Professions and Occupations Council should be established to:
  - a. Investigate complaints from the general public, and
  - b. Establish and review minimum educational standards.
4. "We strongly support a standard "Code of Ethics" for all members of each profession."
5. "Members of the public should be appointed to any disciplinary body and there should be access to the Courts to ensure equity of the public and members of the professional body."



6. "Wherever possible, fees should be quoted or discussed before an engagement is commenced."
7. "We support the proposal that no professional group should be controlled by the members of another professional or occupational group."
8. "We submit that if there is to be licensing that it be done by a regulatory body set up by legislation and controlled by the government."
9. "We feel that continuing education should be mandatory but under the present system this would be difficult to enforce."

#### **Certified General Accountants Association of Alberta**

1. "... proposes that legislation be passed which would govern the field of accounting. Our client feels there should be one single recognized profession of accounting in Alberta."
2. "Such legislation might provide for the unification of the present accounting groups . . . or it might provide a certain set of standards or examinations . . ."
3. "The legislation should also provide for the establishment of a code of ethics and provisions that deal with the discipline of the members of the profession."

#### **Institute of Chartered Accountants of Alberta**

1. "That regulatory legislation in public accounting be considered to ensure that persons practicing public accounting will be well qualified."
2. "That regulatory legislation be restricted to the areas of public practice as this is the sector of accounting where public interest is affected to the largest extent."

3. "That regulatory legislation take the form of the single-class form of legislation."
4. "That the Institute of Chartered Accountants of Alberta be the professional body charged with the responsibility of administering the legislation."
5. "That lay members be appointed to the Council, and the Conduct and Discipline Committee of the Institute."
6. "That an amendment be made to The Chartered Accountants Act to specifically define a 'Public Accountant'."
7. "That a new section be added to The Alberta Chartered Accountants Act to reserve the function of public accounting to Chartered Accountants."
8. "That regulatory legislation for the accounting profession be a modified form of single-class legislation in order to preserve the livelihood of persons who are and have been in practice prior to July 1, 1972."
9. "That The Chartered Accountants Act be amended so all persons practicing public accounting conform with ethics and conduct similar to those presently set forth by the Institute for its own members."

Following are further comments submitted in response to, and requested in, the Interim Report on Professions and Occupations; published in April 1973.

1. "... the Institute is opposed to any further and undue proliferation specifically within the accounting profession."
2. The association feels that specific criteria should be determined to define a 'profession', and that only these groups meeting such criteria should be permitted to use the designation 'Profession' and be granted self-governing powers by a Legislature.

## **Society of Industrial Accountants of Alberta**

1. "... the only accounting specialty which would warrant legislative restrictions on the qualifications of those engaged therein is the specialty of public auditing."
2. "... as an alternative to the present open nature of the accounting profession that a qualification board be established by legislation and that the accounting specialty of public auditing be governed by such a board."
3. "... any person entering the specialty of public auditing be required to complete examinations set by such a board."
4. "... the examinations should be available only to members of recognized accounting bodies."
5. "... restrictions placed on the qualifications of those engaged in public accounting would serve no useful purpose."
6. "... restrictions on the qualifications of those entering the specialty of public accounting would require the public to obtain the services of persons holding such specific qualifications . . . requiring the public to obtain such services is not in the public interest, and this is particularly so in rural communities where such services frequently are not available."

The following are further comments submitted in response to and requested in the Interim Report on Professions and Occupations; published in April 1973.

1. "A review of the qualifications for graduation appears more relevant than entrance criteria."
2. "The Society would have no objections to a legislative enactment governing professions generally if such enactment could accurately establish basic standards

which are in fact applicable to all professions and if such enactment would not destroy the flexibility required by a professional body in order to function properly."

3. "It seems both possible and desirable to have a career-ladder approach to professional and occupational development. This might be accompanied by a progressive licensing system."
4. "To ensure the guidelines could be stipulated and adhered to, membership should be compulsory."

## **Alberta Institute of Agrologists**

1. "The Agrologists Act is not mandatory, and so non-members may earn their livelihood by offering services similar to those of agrologists. This lack of control over those who may purport to provide professional service in the agricultural field, but who are inadequately qualified by reason of inadequate or inferior training may work to the public disadvantage."
2. "An umbrella Act to establish basic common principles recognized by all professions would, in the opinion of the Institute, appear to be advantageous in that it would provide society an easier basis of understanding the common role of all professions in serving society."
3. "The Institute favours the present system of self-government, and contends that this places a responsibility on the profession to maintain a standard of service to society that is above reproach."

## **Alberta Association of Professional Appraisers**

1. "That the terms 'appraiser' and 'appraisal' . . . be clearly defined under recommended legislation so that minimum standards of qualification of practicing appraisers be established in Alberta."



2. ". . . not only should these minimum standards be clearly established . . . but sufficient control be exercised to ensure that no one with a lesser standard of qualification . . . be able to legally engage in the appraisal of . . ."
3. ". . . the profession be empowered by new legislation to control its members providing, at all times, adequate safeguards to ensure the public interest."

### **Alberta Association of Architects**

1. "Placing of a lay person on Council and the Disciplinary Committee who would in turn report to the provincial government is of value only if this person is of suitable intellectual ability, impartial, as well as fully conversant with The Architects Act and general by-laws and their reasons for existence. A direct report to a legislative committee by responsible members of Council each year should be explored as an alternative."
2. "An umbrella or total involvement Act setting standards for self-governing bodies is as fundamental as the Bill of Rights . . . a statement of basic professional conduct and its attendant responsibilities would be beneficial for all concerned."
3. "A review of professional Acts to define clearly the areas of competence of all professions in their own entirely legitimate area of responsibility would ease the professional and para-professional conflict."

The following are further comments submitted in response to and requested in the Interim Report on Professions and Occupations published in April 1973.

1. "The association requires its members to inform their clients completely and comprehensively as to the nature of the services, commitment, fees, and all rele-

vant detail before embarkation on a project."

2. "We believe that the profession should continue to have input regarding standards, but that the responsibility of maintaining judgment should be left as presently happens — to an outside body such as the Universities Co-ordinating Council."
3. "In our proposed revisions to our Act, we are seriously considering a Professional Standards Committee which would be chaired by a layman and made up of both lay and Association members. Its purpose would be to establish, review and recommend further growth involvement through the profession as a whole with the intent of upgrading the services of the architect to the public-at-large."

### **Alberta Association of Landscape Architects**

"We are aware, however, of the disadvantages to a profession, and to the public at large as a user of services, to the total absence of official legislative status with its related controls and membership guidelines. For this reason, we are in favour of legislated professional Acts allowing a profession, with public participation, to regulate membership standards and maintain an acceptable level of practice within its group."

### **Mr. A. S. Edmund Benz**

"The whole health care system is such a negative, sterile, professionally economically unacceptable monster, including the newly planned Community Health Centres, that it has become of essential importance for the Continental ethno-cultural minorities to have their own separated Continental and other ethno-cultural minorities healthcare service, their own Universities, ethnic hospitals, our own multi-cultural Community

Health Centres, free dental service, diabetes, arthritis clinics, Sanatoriums, and health-resort places. Under the direct jurisdiction of the Federal Government, with which we will work out the best and most successful therapies that are to the benefit of this country."

### **Alberta Cardiology Technicians Association**

The delegation from this Association indicated a desire for three things:

1. Proper training programs for cardiology technicians;
2. Membership (not compulsory) in the Association so more control can be exercised over service to users; and
3. A National Training Program so the training and qualifications of technicians throughout Canada will be consistent.

### **Consumer Association of Canada**

1. "It is generally conceded that there are four basic consumer rights; that is the right to safety, the right to be informed, the right to choose, and the right to be heard."
2. "... definitions which describe professions as a collection of learned persons using their specialized qualification for the best interests of the public, with personal gain incidental, may meet with some scepticism on the part of the public. While it may be true that price competition for professional services is not in the best interests of the public nor of the members of the professions, and where professions set the minimum fees below which they cannot provide competent and responsible professional services, such fee schedules are seldom provided to the public nor is the consumer given the actual fee or cost in advance as is done with the purchase of consumer

goods. Perhaps an increase above the minimum fee is well justified, and no doubt is, in many cases, depending on the complexity of the work as well as other factors but where the basic competence is guaranteed by the license to practice, the consumer has the right to advance information on costs."

### **Alberta Dental Association**

1. "If any type of umbrella legislation is to be considered, the Alberta Dental Association suggests that some legislative standards for the various health professions could possibly be incorporated into a single Act because of the presence of the common denominator of health, but the independence of each of the professions should be assured."
2. "... the public can best be served by delegating the administration of legislation to the same professional organization which administers the general membership services."
3. "... the association is not strongly opposed to lay representation on the board, but such representation should be minimal ... appointment should be made in consultation with the association."

### **Alberta Dental Hygienists' Association**

1. "... urgently requests some type of legislation to govern members of the dental hygiene profession ... to protect ... from unqualified individuals performing dental hygiene services ... also ensure that the public is receiving these services who have kept abreast of changes in dentistry and would thereby help to ensure ... quality services."
2. "... requests legislation to protect the association ... would give legal recognition to our Association to carry out the previously mentioned objectives ..."



## **Alberta Registered Dietitians Association**

1. "... to serve the public and their employers . . . the association would submit that being governed by a public Act of this Province, covering their profession alone, is the most desirable situation."
2. "We have applied to the Minister of Health to have our Act amended in order to give us an increase in self-government and also some control over the persons who will utilize the name dietitian and nutritionist . . . At present we don't have this type of control in our province. Anyone can call themselves a nutritionist."
3. The Association desires self-government for two reasons:
  - a. To control standards of performance and conduct, and
  - b. Bargaining rights.

## **Electrical Contractors Association of Alberta**

1. "... it is becoming increasingly self-evident that a high degree of professional conduct cannot be legislated, nor enforced by government officials, nor can professional misconduct be effectively treated by the law. The establishment of ethical standards and disciplinary action for violation of them are best left to the group who is most vitally concerned."
2. "We wish to emphatically make it clear that we neither desire to merely reinforce the status of Master Electrician nor do we desire autonomy for its own sake. Our considerations for seeking self-government centre purely on the public interest."
3. "In this context, it is the desire of the E.C.A.A. that the services of Master Electrician should be readily available; that their standards of competence and expertise are fully adequate; that high

standards of ethical conduct are prescribed and upheld; and that disciplinary action is taken against members who fail to comply with the standards adopted. We cannot claim this to be presently the case with a purely government-regulatory system."

4. Outlining highlights of suggested draft legislation for a Master Electricians Act it is noted that provision had been made for two lay members to sit on a governing body.

## **Association of Professional Engineers, Geologists and Geophysicists of Alberta**

1. "The following criteria should be established as a basis for classification of groups as 'professionals' and ones which should be required to govern themselves and in doing so to hold the public interest paramount:
  - a. . . . the training and knowledge . . .
  - b. . . . application of knowledge in the best interests of those being served . . .
  - c. . . . commitment to those being served . . .
  - d. . . . degree of confidentiality . . ."
2. "... legislation should specify that groups classified as professions and governing themselves are required to assume joint responsibility with the Universities Co-ordinating Council for admission to membership in the group . . ."
3. "... those not possessing the necessary license should be prohibited from such practice . . . fully enforced . . ."
4. "Self-governing groups should be required to file annual reports with the Legislature . . ."
5. "... publicizing disciplinary investigations . . . may be desirable."

The following are further comments made by A.P.E.G.G.A. submitted in response to and

requested in the Interim Report on Professions and Occupations.

1. "Powers of self-regulation should be granted only to the limited number of organizations which meet specified criteria as professional groups."
2. "The degree to which the group is meeting its responsibilities should be measured by annual reports to the Legislature; and contact as necessary between the group and the responsible Minister."
3. "A group having powers of self-regulation should be required to assume joint responsibility with the appropriate University authorities for administration of requirements related to admission to practice."
4. "Membership in the appropriate Professional organization should be a requirement for practice of the profession."
5. "The criteria for definition of Professional groups: and the basic principles on which self-regulating authority should be granted should be contained in a Professions and Occupations Act, which also might include areas of ethics and disciplinary procedures common to a number of professions."
6. "Members of an Occupation, if they required licensing in the public interest (and many do) should be licensed by the government, whereas the Professions should administer their own licensing laws."
7. "Licensing standards should continue to be established, as at present, by the Legislature with the advice of the profession involved. In this way, maximum public input is obtained."
8. "For those groups identified as Professions, educational certification should be a joint responsibility of the group and the appropriate University faculty or faculties."

### **Family Service Association**

1. "Registration of marriage and family counsellors is required to ensure a minimum level of competence."
2. "... a continuing board or committee would be needed to maintain standards, handle grievances and deal with self-discipline."
3. "... appropriate that such a governing body include members of the general public . . ."

### **Alberta Funeral Directors and Embalmers Association**

1. The Association wants a separate Act setting out "standards of training, qualification, and conduct required of funeral directors and embalmers and the method of controlling same."
2. The Association is of the opinion that its members are best qualified to set standards of conduct and education. It also is felt that most problems of discipline can be resolved by a committee of the Association.
3. "The Association wants to be sure that there will be nothing in the proposed Act that will in any way limit the number of persons who can enter this occupation, provided they meet the required standards."

### **Dr. R. D. Gainor**

1. "One of the points I want to bring to the attention of the Committee is that in the Chiropractic Act there is no appeal from the decisions of the Board."
2. "There is nowhere in the Act that requires members to keep up-to-date or be brought up-to-date . . . there is no stipulation in the Act that requires members to have continuing education."



3. Dr. Gainor expressed concern over the very broad powers given the Chiropractic Board and their practice in the acceptance of new applicants for membership, and the reinstatement of members which appear to be very harsh and give the impression of a 'closed shop' to one trying to gain admission.

#### **Alberta Hearing Aid Dealers Association**

1. "... the Hearing Aid Dealers Association requests the Government's consideration of a Bill to be called the Act Respecting Dispensers of Hearing Aids."
2. The proposed Act would give the Association authority to establish standards of competency, to discipline members and to establish a board to be known as the Hearing Aid Dispensers Examining Board with the responsibility of maintaining standards of competency and proficiency.

#### **Alberta Home Economics Association**

1. "The nature of its calling requires that a professional status be associated with this group ..."
2. "... it is definitely in the public interest that some measure of control be exercised over admission to membership however the association does not feel that non-members must be barred from the right to earn their livelihood in that area."
3. "... some body of either the profession or perhaps the provincial government be set up to deal with both refusals of membership and from disciplinary decisions ..."
4. "Should such a board be set up ... this board might deal with appeals from all professions in the province ..."
5. "... some method be available to the general public for lodging complaints with respect to the competency or ethical con-

duct of any member of any profession and some method of bringing such allegations to the attention of the particular profession ..."

- 6 "... some method of advising the general public that the person in question has been dealt with in a particular manner."
7. "... enabling legislation regarding professions ... be open for review and/or updating at regular designated intervals."
8. "... regulations should be included in the Acts that members of the profession must be constantly upgrading their qualifications."

#### **Calgary General Hospital Union**

1. "We request a board of examiners for the purpose of licensing and registering nursing orderlies be formed."
2. "... the board of examiners so formed be provincial government in nature, and not aligned or directly associated with any specific organization."
3. "It is our feeling that there should be a regulatory body or licensing body of the Provincial Government of Alberta to set up a board ... to test orderlies so that they could receive an accreditation ..."
4. The group wants a 'grandfather clause' for those practicing orderlies who have gained satisfactory expertise through past experience, in any licensing scheme as well as nominal fees and reciprocity with other Provinces.

#### **Insurance Agents Association of Alberta**

1. "The introduction of government examination prior to granting a license to sell general insurance in Alberta is strongly encouraged ..."
2. "We suggest that the two types of agents

described earlier (Independent agent and Exclusive agent) should have different names or titles . . . that there be different standards of qualification for each."

3. " . . . a committee comprised of members of our association, together with appointees of the Superintendent of Insurance, and educators from the University level determine minimum qualifications for an individual to be licensed as an insurance broker."

Note: Following this recommendation is a listing of suggested qualificational prerequisites.

4. "Alberta's legislation governing the licensing of insurance agents is very old . . . we believe it is time to modernize the licensing . . . "

#### **Registered Interior Designers Institute of Alberta**

1. "It has long been the desire of R.I.D.I.A. to have its members licensed. There is a superfluity of non-professional and unqualified designers practicing in our field. We feel that the public should be safeguarded against designers of less than professional calibre . . . we feel that a licensing program is a necessity to ensure excellence of Interior Design in the public interest."
2. "In our view, the training required of an interior designer should be . . . in our own Provincial and proposed National by-laws."
3. "The use of unqualified designers can be costly and disastrous. Ours is a comparatively new profession and we feel, as public demand for design and good taste in design grows, it will become increasingly important for the members of our profession to be properly trained, fully qualified and licensed so that the present practice of any unqualified persons calling

themselves interior designers can be properly challenged and the public interest protected."

4. The Association desires an Act granting its members exclusive use of the title 'Registered Interior Designer' and disciplinary powers, yearly registration, and authority to establish standards of conduct.

#### **Canadian Society of Laboratory Technologists**

1. With regard to lay members of disciplinary bodies, "With the exception of legal aid, it is difficult to see the value of lay members. Medical laboratory technology, like many other groups in this age of specialization, has become so specialized that it is almost impossible for uninvolved persons to appreciate its difficulties and points at issue."
2. With regard to legislation for professions and occupations, "Our feeling is that there should not be such legislation. The more a province isolates itself by such laws, the less it will benefit in the long run."

#### **Alberta Land Surveyors Association**

1. "We believe that the Professional Association affords the best means of assuring the general public that property boundaries are being established in accordance with the law and that those who are entrusted with this basic responsibility are competent."
2. "Our Association would have no objection to having a Minister of the Crown and/or one or more responsible laymen on the Council. This could be said to be in the best interest of the public, but if the laymen had no knowledge or understanding of surveying, their membership on Council could also be to the detriment of the public."



3. "The competence of Alberta Land Surveyors in particular is probably best evaluated by their clients and by the general public."
4. "The members of the Alberta Land Surveyors Association have been seriously discussing the possibility of broadening the scope of the Association and making provision for admitting those persons who are qualified in related fields . . . We believe that such a move would be in the public interest because the public would then be assured that persons engaged in these related activities would be properly qualified."
5. "The Association is therefore of the opinion that there is no urgent or outstanding need for a change in the Land Surveyors Act."

## Law Society of Alberta

Basically, the brief cites little fault in The Legal Profession Act which created the Society. The following are some of the suggestions or comments which the Society made.

1. "If the Legislative Assembly finds it difficult by reason of volume and subject matter to deal with legislation requested by the various professions and occupations, we would suggest that a standing committee of the Legislative Assembly might be constituted to examine proposed legislation while the House is in recess. Such a committee could provide members of the Legislative Assembly with the necessary supporting information. A standing committee could obtain sufficient expertise to assess proposed legislation."
2. "We believe that the elected representatives of the profession are best qualified by training and experience to assess the conduct of the individual

member."

3. "The Legal Profession Act does not give any recourse to a person who is refused admission to the Law Society . . . The Benchers do not think that this is right. They have therefore recommended that The Legal Profession Act be amended to allow a rejected applicant to appeal the decision of the Law Society to the Appellate Division of the Supreme Court of Alberta."
4. "There are many efficiencies in having the rules made by those who have experience with problems of the Society rather than those who do not."
5. "Any proposal that persons other than lawyers have access to the Law Society's disciplinary materials, leaves us in a quandry. We do not say that only lawyers can be discreet. We do say, however, that a system under which the elected representatives of the legal profession have access to confidential material is a system which entrusts clients' information to persons professionally conditioned and obliged to respect its secrecy. A system involving appointment without special qualification would not have this safeguard.

"We have given much consideration to the question whether or not the principle of accountability to the public requires anything further. We find ourselves almost evenly divided on the answer. A small majority believe that as a matter of principle a small number of lay members should sit with the governing body of the Law Society. Lay members would represent the public interest . . . If this practice were adopted, the client should be protected by a specific statutory prohibition against the disclosure of specific facts which could result in a breach of client's privilege. There should also be provision for application to the Court by the Law Society for the permanent re-

moval of a lay member who breached that prohibition.

"The Benchers who disagree with the majority believe that the addition of lay members would not further the public interest. They believe that the problem of privilege of the clients' information . . . makes it necessary to confine that information to elected Benchers of the Law Society."

6. "The Benchers all agreed that the public interest requires that the elected representatives of members control the Society's affairs in order that independent legal advice and representation be available to everyone who needs it and in order that the conduct of lawyers be regulated in the most effective way."
7. "As we have pointed out, the Law Society has little control over admission to membership, which confers the right to practice law . . . We think that the situation is as it should be . . . Licensing by any other authority would be entirely objectionable and contrary to the public interest."
8. "We believe that the University should continue to set the standards for academic legal education. We would like to have somewhat more influence but we do not want control. We think that the Universities Co-ordinating Council would be quite unsuited to the tasks of setting standards. It is not composed of persons with experience either in the practice of law or in education for law."
9. The Benchers feel an 'umbrella Act' would be undesirable for two reasons:
  - a. The diversity of group covered, and
  - b. The rigidity of such an Act.

The Law Society of Alberta submitted the following comments in response to and requested in the Interim Report on Profes-

sions and Occupations.

1. "We would certainly object on grounds of the most fundamental principle to the setting up of a bureaucracy which would have the power to override in any way the confidentiality necessary to disciplinary procedures."
2. "... an attempt to prescribe standards of conduct in 'tablets of stone' would be rigid and incomplete and unable to cope with the changing mores of society."
3. "... educational certification should continue to be the responsibility of the Universities."
4. "The Benchers of the Law Society appear in principle to be in favour of some form of mandatory continuing education."
5. "... the Benchers favour the principle of advising clients as soon as practicable as to the fees they are to be charged."
6. "... the Law Society would oppose a Fee Schedule and Wage Rate Review Board."
7. "Insofar as standards of self-regulation are concerned, we think that an observer who tries to look only at the group of professions and occupations must necessarily have a distorted view of the individual profession or occupation. Conclusions from the facts relating to one profession or occupation are not necessarily applicable to another. The imposition of uniform standards is likely to inhibit the further development of those with higher standards than the average."

#### **Mr. S. Gordon McAfee**

1. "Governments, through laws and regulations can establish certain requirements and set out certain codes of conduct to



govern those who serve the public. It would seem, however, that many such government laws and regulations quite often result in minimum rather than maximum standards. Professional or quasi-professional groups, on the other hand, can demand performance and conduct well above the minimum standard by refusing to accept applicants for admission who cannot or will not qualify academically, or will not abide by generally established rules of personal and professional conduct."

2. "The actions of such professional bodies has benefited government in that such groups have effectively governed conduct in many fields of endeavour where government regulations and laws are often inadequate or ineffective."
3. "It may well prove beneficial to the public generally, and to the members of professional or quasi-professional groups if the government establishes certain guidelines within which such groups may operate. Such guidelines should attempt to insure that the interests of the public are not only adequately protected but that such guidelines or procedures are so designed and publicized that the members of the public are aware of the protection afforded them."

### **Alberta Medical Association**

1. "The Association feels most strongly that the medical profession in Alberta should retain the right to license and discipline its members through the College of Physicians and Surgeons."
2. "... the organizations which presently serve and which have served the public well, should not be dismantled ... with some modifications they may continue to serve and do so more effectively."
3. "... accountability can be accomplished through the change in the composition of Council of the College of Physicians and

Surgeons proposed by the Council ... following: (a) that members of the Council continue to be elected by the members of the College on a geographic basis as at present, to a number not less than those presently elected (12). (b) in addition, a physician member of the College be appointed by each of the faculties of Medicine. (c) that three non-physician members representing the public be appointed to the Council."

4. "... the Council should submit an annual report to the Minister outlining its activities."
5. "... the Council, in consultation with the two faculties of Medicine and the Alberta Medical Association, should be able to influence the curricula of the faculties, as well as both post-graduate and continuing medical education."
6. "... we endorse the principle that a physician charged before Council may be a compellable witness."
7. "The A.M.A. endorses the principle that the Council should be the authority to accord recognition of a physician as a specialist in Alberta."

### **National Farmers Union**

1. "The National Farmers Union believes in the maintenance of a strong rural community as an essential part of our culture, and that farmers must continue to hold a distinct place in the national identity as the basic producers of food."
2. "As individuals living in an organized society, farmers are at a distinct disadvantage, and can exert no real influence on the market place. They are consequently exploited, and often exploit one another in order to survive."
3. "It is for these reasons we believe it to be imperative that your government intro-

duce at the 1973 session of the Legislature an Act which might be cited as the Agricultural Producers Collective Bargaining and Marketing Act."

4. "The legislation would provide for:
  - a. Recognition of the N.F.U. as exclusive bargaining agent for farmers in matters dealing with government legislation and regulations;
  - b. Recognition of the N.F.U. as the exclusive bargaining agent for farmers in a bargaining area (either a province or federally) by any firm or individual wishing to buy farm commodities from, or sell farm supplies to, any farmer in the bargaining area;
  - c. Establishing government-appointed regulatory agencies endowed with powers to enforce negotiated contracts . . . "

#### **Alberta Mental Deficiency Nurses Association**

1. "In the light of the existing Acts: 'Registered Nurses Act' and the 'Act to Incorporate the Psychiatric Nurses Association of Alberta' Ch. 45, 1963, we feel that our submission for equal legal rights is reasonable and founded on established Legislative policies."
2. " . . . we are certain that in order to maintain high standards of these professions they must be controlled in part at least by those most affected by their decisions, the Association themselves."
3. "We would favour the continuation of certification by a Government or Advisory body, but maintain the right to register and discipline the members of our own profession."
4. The proposed Act provides for annual registration and for expulsion or suspension from the Association (by the Association) for dishonesty, incompetence, unbecoming conduct and/or fraud. Pro-

vision is also made for the 'accused' to present a defence and for the right to an appeal following a disciplinary hearing.

5. The Association wants compulsory membership and exclusive use of the title, 'Registered Mental Deficiency Nurse'.

#### **Psychiatric Nurses Association of Alberta**

1. " . . . re-structuring of advisory committee to consist of not less than 50% Psychiatric Nurses . . . lay people and educators would also be included . . . "
2. " . . . functions . . . : (a) . . . issuing certificates of eligibility and certificates of qualification; (b) . . . maintenance of standards . . . "
3. " . . . the implementation of a licensing procedure . . . the Psychiatric Nurses Association be responsible for the issuing of the license, as a prerequisite . . . to practice . . . in Alberta."
4. " . . . enabling legislation be passed so that a Council of Nursing could be established in Alberta, for the purpose of co-ordinating all groups that are working in the nursing field in this Province."

#### **Alberta Association of Registered Nurses**

1. " . . . control of educational standards . . . the primary request."
2. "Public accountability is a shared responsibility that demands consumer and government representation on association boards, councils and/or committees."
3. "Shared responsibility is contingent upon decentralization of functions and the application of the principle of subsidiarity."
4. "Those who have the expertise should prescribe, control and maintain minimum standards of education and practice."



5. "Professional groups have the knowledge, skills and expertise to set and maintain professional standards."
6. "Functional tension, checks and balances are essential in a political system to ensure optimal services and protection to the public."

Following are further comments submitted in response to and requested in the Interim Report on Professions and Occupations. The Alberta Association of Registered Nurses proposes that a number of amendments be made to the Act governing its profession. Following is a brief outline of the objectives of these suggested legislative changes.

1. "To reserve the right to set nursing education standards for persons entering the nursing profession by granting statutory power to an appropriately structured body in the A.A.R.N."
2. "To establish a Nursing Practice Board that will evolve standards to assure competence to practice for renewal credentialing."
3. "To decentralize the administration of the Association legislatively by separating the Regulatory, Professional, Promotional and Employment Relations functions."
4. "To demonstrate public accountability as a shared responsibility with government and the public. . ."
5. "To restrict the use of the designation R.N. to active practitioners of professional nursing."
6. "To define more clearly standards of professional conduct as applied to professional practice."

**Alberta Certified Nursing Aide Association**

1. " . . . our association be given the power of self-regulation and licensing under the

provisions of an Act Respecting Nursing Aides."

2. The Association wants its own Act granting the power of self-regulation and licensing. The main features of the Act would be:
  - a. Compulsory membership in the Association;
  - b. Yearly licensing;
  - c. Central registry;
  - d. Power of the Association to discipline;
  - e. Establishment of an Advisory Council;
  - f. Reciprocal recognition with other provinces; and
  - g. Recognition of the Association for collective bargaining purposes under the the Alberta Labour Act.

The Alberta Certified Nursing Aide Association submitted further comments in response to and requested in the Interim Report of the Committee published in April 1973.

1. "The Professions and Occupations Council should be set up in such a manner as to allow each group equal opportunity to avail themselves of their services."
2. "We feel that the Professions and Occupations Council could act as a preliminary hearing for complaints, before recourse to the Courts."
3. "We are in total agreement that no professional or occupational group should be controlled by another."
4. "An umbrella Act could be feasible and we would have no objections to further investigations in this area. An umbrella Act could embrace many umbrellas to include a cluster of professions unique unto themselves."
5. "Any mandatory regulation regarding Continuing Education stifles self-initiative of groups or persons for self-improvement."

## **Alberta Association of Nursing Orderlies**

1. "Insofar as the regulatory body of any self-governing profession or occupation is established to serve the public interest there should be included in that body representatives of the public interest whose influence on policy and procedure would reflect the insight of disinterested but knowledgeable outsiders."
2. Accordingly the Association feels it is necessary that the membership of the regulatory body in a profession/occupation be entirely divorced from the administrative body.
3. The Association realizes an existing de facto control of professional/occupational governing bodies over the curriculum of educational institutions training prospective licensees. "We believe that this informal relationship should be supplemented by legislative provisions for effective channels of communication and control."
4. "The concept of an umbrella Act setting basic standards is a useful and important one. It is our opinion that such a statute should be confined to specification of . . . the adjectival as opposed to substantive law of self-regulation."
5. ". . . incompetence should be the principle ground for disciplinary action by the governing body of a professional organization."
6. Appended to the brief was a draft statute for presentation to the Legislative Assembly incorporating the principles articulated in the brief. Emphasis has been placed on
  - a. Provision for constitution of a regulatory board to license nursing orderlies;
  - b. Licensing as a condition precedent to practice as a nursing orderly;
  - c. Representatives of the Association constitute a majority on the regulatory board; and
  - d. Membership in the Association is not

compulsory but is open only to licensed nursing orderlies.

## **Alberta Society of Occupational Therapists**

1. "We do not feel that simply because we call ourselves professionals is not sufficient reason for applying for self-government in future legislation."
2. " . . . it appears important to include some method of maintaining the individual's freedom to earn a livelihood. To this end we will allow people the right to practice under controlled supervision . . ."
3. ". . . it should be the responsibility of the profession to set standards for admission . . . those rules of necessity would be generalized by the government . . ."

Note: The above statements were made in reference to a proposed Act Respecting Occupational Therapists which has been prepared by the Association.

## **Alberta Optometric Association**

1. Regarding representation on disciplinary bodies, "There could well be some merit to considering lay representation in order to better dispel any question of conflict on the part of the committee in the public's mind. However, any lay representation should exclude all individuals associated with any other health discipline . . ."
2. "In professions such as optometry where the possession of a great deal of specialized knowledge is necessary, only those who have that knowledge are really competent to judge another's qualifications."
3. "The education body and not the regulatory body of the profession should set educational requirements for the profession."
4. ". . . common legislation may well be a step in increasing the efficiency with



which health services are dispensed to the public."

5. "The principle of the self-government of a profession is essential to the like of that profession. The professional practitioner must be accountable for his proficiency and appropriateness of his actions, and his actions must be subject to review and evaluation by those best qualified to judge — his peers."
6. "It is the opinion of the Alberta Optometric Association that constitution of committees concerned with peer review would aid greatly in **preventing** unsatisfactory care in a profession."

#### **Alberta Pharmaceutical Association**

1. "We would predict no major objections if a strong recommendation was made for appointment of a lay person on a disciplinary committee."
2. "Incompetence should be ground for disciplinary action."
3. "The profession of pharmacy has under consideration a program of continuing education which it proposes will be sufficiently sophisticated and readily available (in one form or another) to make participation mandatory by mid-1975. This is designed as preventive medicine for incompetence, if you like."

Note: The transcript clarifies the preceding statement by noting that mandatory participation is being considered for the purposes of re-licensure.

#### **Alberta Professional Photographers Association**

1. "We would like to see some Act passed that would make it mandatory for a firm to hang on to the negatives for at least ten years."

2. "There should be some type of law . . . where negatives are not put out of existence."
3. "Our suggestion or our idea . . . is a two-pronged problem really. One is we are suggesting a remedy to see that people who set up as professional photographers will have to meet a certain standard."
4. " . . . who will set the standard, we are suggesting that a board would have to be set up composed of lay people, government representatives and so on, so that there is no injustice about a person being turned down . . . "
5. "This board would require people who went into photography to have spent some time learning what it was about."
6. " . . . it is only necessary for a person to have a camera today to announce that he is, in fact, a photographer. He can work out of his basement or anywhere else he likes and at anytime he likes he can drop it and go on to something else . . . certainly they are not doing this on a competitive basis in that they have absolutely no overhead whatsoever. Certainly it does our profession no good in the eyes of the public, because generally speaking these people do not produce what would normally be accepted as a professional product."
7. "This situation will never really improve until the Association or someone has sufficient authority to say that before a person can hang up a shingle and say he is a professional photographer that they have to have had some form of formal education in photography. I think really that this is the essence of what we are seeking."
8. "Perhaps licensing in the broad sense . . . not licensing for its own sake as much as for qualifying those who are going to describe themselves as photographers . . . At the present time there is no qualification needed, there is no standard to meet. . . "

## College of Physicians and Surgeons

1. "The Council, in consultation with the Alberta Medical Association and the faculties of Medicine, should be able to exert greater influence as to the minimum admission requirements to the medical course . . ."
2. "The Council seeks authority to ensure . . . that all applicants for registration possess a satisfactory level of competence in addition to the acceptance of basic medical qualifications."

Note: This brief includes a proposed new Medical Profession Act to replace the old one, and it is recommended by the College "That the proposed redraft of the Medical Profession Act in Alberta be passed into legislation with the utmost speed."

## Psychologists Association of Alberta

1. "It is further our recommendation and belief that continuance of self-governing professions should be maintained, as professionals themselves are perhaps best able to ensure the highest quality of professional service in the best interests of the general public."
2. "The Council of the Association believes in the principle that members of the general public should be afforded the opportunity of participating in the responsibility of the administration of the profession."
3. "We firmly believe that only those who have been adequately trained to the criterion of certification and licensure should be allowed to practice the profession of psychology."

The Psychologists Association of Alberta submitted the following additional comments in response to and requested in the Interim Report on Professions and Occupations.

1. "The negative perception of a conflict between the self-interest of the professions and the public interest and wellbeing of the consumer is unfortunate if it leads simply to legislative regulations and government controls, resulting in minimal obedience to avoid legal wrongdoing. One of the criticisms of excessive regulations to precise definitions of entrance requirements, etc. is that the professional service is frozen at an outdated restrictive level and can never breach the legislative lag from relative antiquity to the present."
2. "It is believed by the Psychologists Association of Alberta that the public interest is best served by the provision of self-government through the Psychologists Association of Alberta." (i.e., P.A.A.)
3. " . . . believed by the Council of P.A.A. that lay public representation could be advantageous to all concerned . . ."
4. "It is hoped that the Legislative Committee will recommend to the government of Alberta that lay representation through appointment by the Lieutenant-Governor in Council will be permitted to take place for each professional group."
5. "It is recommended that the Psychologists Association be permitted to change its Act to allow for lay representation on the Council . . ."
6. "Visibility helps to bring about accountability."
7. "The Psychologists Association of Alberta supports the concept of the Professions Council, responsible to the Deputy Minister of Manpower and Labour being established to work with the various professional groups from which its membership is drawn to ensure that the public remains informed as to the nature of the services provided."
8. "It also recommends that this Council be established apart from a government de-



partment in that it does not appear necessary to introduce civil service control over such matters."

9. "It is further suggested that the Professions Council could have as one of its responsibilities that of receiving and channeling complaints to the appropriate disciplinary body of the various professions in order to accommodate that section of the public which does not wish to approach a particular professional group directly."
10. "This Council would, in effect, perform an ombudsman-like function and be empowered to report directly to the professional group concerned and to the Legislature."
11. "Psychological service is so sophisticated and complex that only persons fully conversant with the practice are competent to prescribe and enforce the appropriate standards."
12. "It is suggested that the Professional Affairs Committee of the P.A.A. be empowered to form an inspection committee. The committee would be responsible for reviewing the practice of psychology in various agencies and by individual practitioners. Government-appointed lay representations could certainly be considered on this accreditation committee. This committee could also be directed to accredit the educational programs from which psychologists graduate."
13. "A Board of Education and Training seems essential for each self-regulating profession in order to maintain high levels of training relevant to the service to be rendered to the public."
14. "A regular accreditation review would be a step in the direction of assuring that competency is being maintained. Nevertheless, continuing education should be mandatory."
15. "A career ladder or scaling approach to be incorporated into levels of training thus bringing together closely related service functions rather than fragmenting them."
16. "One professional association should not have any legal administrative control over another professional association . . ."
17. ". . . clearly articulated criteria should be developed to determine which groups should be granted self-government."
18. "Licensing standards on entrance into a profession should be set by the members of that profession and should not be set by any other group since it would be impossible for that other group to be sufficiently knowledgeable about the necessities of that profession in order to make those judgments."
19. ". . . clearly defined appeal procedures should be available for all those who have been refused admission to a professional group."
20. "Educational competency certificates should be the responsibility of an independent board such as the Universities Co-ordinating Council."
21. "The P.A.A. supports the proposal that all professional groups require that their members advise clients in advance regarding fees for service."
22. ". . . the development of an umbrella act applying to all professions is not desirable or necessary to protect the best interests of the general public. However, if it is deemed necessary by the Legislative Assembly of Alberta to develop an Omnibus Act or a series of Professions and Occupations Acts then we would wish that . . ." (some guidelines were suggested for the drafting of such a Bill).

## Group of Interested Psychologists

1. "This is a unique group of psychology professionals because, although certified by legislation, many are not necessarily members of the Psychologists Association of Alberta. These psychologists, distinguishing themselves from those who are specifically involved in teaching, research and administration . . . relate to allied health services and the public."
2. ". . . the group of psychologists presenting this brief recommend the following: that practicing psychologists should be consulted on any changes of legislation and policy affecting the registration, certification, licensing and other developments affecting the practice of psychology."

Note: The above quotation is a specific recommendation or suggestion made by this group in their brief. However, it can be noted that this group agrees with the position(s) taken by the Psychologists Association of Alberta, as supported by the following quotation.

3. "The registered psychologists presenting this brief are actively supporting the Psychologists Association of Alberta."

## Association of Chartered Physiotherapists of Alberta

1. "Although the A.C.P.A. is already self-governing as far as its membership is concerned, it has no way of protecting the public from unqualified persons who claim to be physiotherapists. At present, anyone can use the term physiotherapist but the public has no way of knowing just what calibre of treatment they will receive."
2. ". . . the A.C.P.A. is asking for a further amendment to allow for closure . . . which it feels would be advantageous to the Province. Through closure of the Act,

the A.C.P.A. feels that it could then maintain a Province wide high standard of patient care and be able to police its membership through the Code of Ethics, by-laws, and the Act itself.

. . . the A.C.P.A., through a closed Act would insist on its members taking courses in continuing professional education. . . to provide the public with the best possible physiotherapeutic care."

The Association submitted the following further comments in response to the Interim Report on Professions and Occupations.

1. "We feel that the general education of the public with regard to complaint procedures should be outlined by the Government."
2. "We feel the education of the public on professional services should be the duty of the professions."
3. "Like the present practice of the Alberta Association of Registered Nurses, we agree that it would be advisable for the A.C.P.A. to present in person and in writing, an annual report to the government"

## Physiotherapists and Masseurs Association of Alberta

1. "We feel that our organization should have control over who should be licensed to practice this profession for the protection of the public."
2. "We feel the members and the Board should have the right to set standards."
3. "We feel that all the fields in the healing arts should have a basic standard of anatomy and physiology, from there they can branch into our profession."
4. "Incompetence should be grounds for dismissal from the profession with the right to appeal."



5. "We feel that an Act suitable to each profession should be approved by the Attorney-General, Minister of Health and the profession in general."

### **Alberta Real Estate Association**

1. "The licensing or certification of real estate agents and salesmen through a government department, or professional or occupational body appears essential in the public interest."
2. "... the Association has proposed a Real Estate Council be established ... responsible to the Minister or the Commissioner of Real Estate ... given authority with regard to the scope and conduct of pre-licensing courses and examinations, the setting of academic and other qualifications for licensing, the recommendation of candidates for licensing, determining licensing and other fees, administration of a Real Estate Assurance Fund, and other matters relating to the administration of the vocation and the protection of the public. The council could as well be given authority to define professional misconduct and to establish practice and procedures for disciplinary hearings."
3. "The community and public interest would be served best if standards and regulations in the industry rested with a Real Estate Council acting in consultation with the Commissioner of Real Estate, the industry, the Association and Committees such as the University of Alberta's Real Estate Program Advisory Committee and the Universities Co-ordinating Council. On the other hand the Association and its members should have the right to make suggestions and criticize the actions of the Council."

### **Alberta School Trustees Association**

1. "... all occupational groups ... should be allowed to be autonomous and self-

regulating if they are willing to accept the responsibilities attached thereto."

2. "... the client group should have a more influential mechanism at its disposal ... to influence the fee structure generally."
3. "As an ideal, a 'professional' group will have obtained and **should** be accorded what might be termed a monopoly with regards to the practice of its profession, and will thus claim complete autonomy both from the community and from their clients ... however, a monopoly can be abused and power and privileges can easily be used to protect vested interests against the public good."
4. "The calibre of performance, if this is to be judged only by the profession itself, can be diluted without community awareness."

### **Alberta College of Clinical Practice in Social Work**

1. "Current membership criteria for the Alberta Association of Social Workers ... under the Registered Social Workers Act do not include ... academic background and practical experience we feel is necessary to provide public protection ..."
2. "Eligibility would be administered by a board of examiners."
3. "In recognition of the special nature of government departments ... personnel not able to meet criteria for licensing as defined in this presentation, be considered through a combination of examination ... training ... and experience ... and designated ... for so long as the individual is associated with the government department in which they practice."
4. "That legislation be established defining the Licensed Clinical Social Worker."
5. "... provision be made ... for province-wide implementation of this standard ..."

## Alberta Association of Social Workers

1. "Registration under the terms of the Social Workers' Act (Alberta) 1969 is we believe a form of voluntary licensing. The gist of our proposed amendment is that the Act become mandatory creating effective control of title and practice."
2. "The practice of social work in Alberta is by no means autonomous and indeed the absence of mandatory registration requirements tends to serve the self-interest of the unscrupulous, or completely unqualified practitioner."
3. In reply to a question as to whether or not the profession or occupation should have the power to control as to who should be licensed to practice in that field, "Yes, but only in terms of clearly-defined legislation which makes the profession in its turn responsible for and accountable to the public as represented by the Government of the day."
4. The group feels the Universities Co-ordinating Council should set educational requirements for professions.

## Speech and Hearing Association of Alberta

1. "... association ... is in favor of licensing for Hearing Aid Dealers ... the Dealers proposed Bill is definitely not acceptable ... because they would be permitted to be involved in rehabilitative management of the hearing handicapped."
2. "S.H.A.A. would propose to monitor all persons wishing to practice in the field of speech and hearing disorders ..."
3. "S.H.A.A. should have the power to set the educational requirements for persons wishing to work in the field of speech pathology and audiology."

Note: Section 4 of this brief is a proposed Bill for speech pathologists and audiologists.

## Alberta Teachers Association

1. "It is the view of the association that the major responsibility for certification should be transferred from the Department of Education to the association under a contract similar to those between the Minister and the Universities for the preparation of teachers."
2. "... would require a supervening board ... composed as is the present Board of Teacher Education and Certification, but would require more than advisory powers."
3. "... lay representation on disciplinary bodies of the association would only be acceptable provided that it does not constitute a voting majority and that safeguards are built in to prevent the divulging of confidential information."
4. Regarding an umbrella Act, "... a review of existing professional Acts indicates such diversity that it seems unlikely that an acceptable commonality could be derived."
5. Regarding a system of granting self-government and licensing, "... the Legislature should continue to be in full control of the process, and to judge each change on the basis of the interests of the citizens of Alberta."

The Alberta Teachers Association has submitted the following comments in response to the Interim Report on Professions and Occupations.

1. "It is the Association's view that the major responsibility for certification should be transferred from the Department of Education to the Association ..."
2. "The Association holds the view that responsibility in the area of competence should go hand in hand with increased authority in the field of certification ..."
3. With regard to criteria for self-regulation,



"The Association would contend that the Legislature should continue to exercise its responsibilities directly in this matter, that legislative consideration of each case on its merits is the best guarantee of safeguarding the public interest . . . "

4. "It would appear axiomatic that any organization charged with the responsibilities of self-regulation must have compulsory membership and the exclusive right to practice the profession."

#### **Alberta Veterinary Medical Association**

1. ". . . feels that present legislation covering the professions is satisfactory at least in so far as the Veterinary profession is concerned."
2. "An umbrella Act . . . merits serious consideration . . . to bring about uniformity in handling certain matters (but) . . . should not be considered to eliminate the need for individual Acts . . . "
3. "Continuing education should be mandatory for continued licensing."
4. "Membership in the Association should be mandatory for all those earning their living from veterinary medicine in this province."

#### **Edmonton Watchmakers Association**

1. ". . . would request some assistance in the formation of a Provincial Watchmakers' Association."
2. "One of our strong recommendations is licensing for protection of the public and for our own good."
3. "It would be necessary that a practicing watchmaker pass practical written tests and that standards be established and the authority to enforce those standards . . . "

4. "We would like to recommend seminars of some description . . . lasting at least three days and perhaps held twice a year, with the co-operation of . . . firms and possibly with the assistance of the Department of Continuing Education."

5. ". . . we feel that all trades and professions should come under one basic Act."

6. "We would also recommend an advisory board composed of a member from each association or profession on a rotating basis be formed to assist and advise the Government in the formation and implementation of such an Act."

7. ". . . there is an obvious and urgent need for continuous education and upgrading in this field . . . we would urge this Committee to include in their recommendations a study to be made on the ways and means of providing channels through which assistance can be given to associations who are attempting to acquaint themselves with the latest technology in their fields."

8. ". . . in order to be reasonably proficient in our field, we feel that it takes a minimum of two years at a recognized school of Horology, and . . . another two years working under a qualified watchmaker."

#### **Alberta Water Well Drilling Association**

1. "We . . . feel that the time has come . . . steps be taken to regulate the people who are allowed to disturb it (groundwater) . . . to those who recognize and accept the responsibility they have in dealing with this resource."
2. "We feel that by increasing the license fee . . . and qualifying the people before they can get this license will improve our lot in the industry."
3. "It is the intention that a school be set up whereby two types of classifications

of operators will be set up on a semi-annual basis . . ."

4. ". . . we have to get people interested in our industry to have workers to work for . . . us and through education we might be able to get them qualified, through an apprenticeship program. . ."

**Mr. Gustav Zawallich**

During his appearance before the Committee, Mr. Zawallich implied two major concerns:

- a. His attending physician apparently did not adequately (or clearly) explain the nature of his injuries; and
- b. There appeared to be a lack of knowledge about which body he should take his complaints to.



## APPENDIX C

### INFORMATION TABLES

The following series of four tables have been prepared to cover as extensively as possible the provisions in Alberta Statutes dealing with the structure of governing bodies, admission standards, disciplinary powers and disciplinary procedures of the self-governing professions and occupations.

These tables were prepared only for the general information of the reader and not for the purpose of showing shortcomings in legislation. It should be recognized that not all the terminology applies precisely to each association. It should also be recognized that many associations voluntarily follow certain procedures even though they are not set out in legislation. There are also several provisions in each statute that cannot be covered adequately in the table type of format.

The Committee acknowledges that several groups have proposed amendments to their statutes that would overcome deficiencies and permit desirable changes. The Committee would also like to draw the readers' attention to the fact that the Council of the College of Physicians and Surgeons and the Alberta Law Society are the licensing authorities for these professions and that their associations are a separate body. For this reason, although they have been included in the tables, they should not be considered in the same light as other groups.

#### **General Notations With Regard to Information Tables**

Where no indication appears in the space provided, it is to be assumed that no provision for the applicable condition has been made.

The following Associations have not been included in the tables because there was not sufficient information on file to provide ade-

quate information as to policies in various areas, or it was not possible to break the information down into the table form used.

Alberta Association of Landscape Architects  
 Consumers Association of Canada  
 Alberta Dental Hygienists Association  
 Edmonton Beverly Progressive  
   Conservative Association  
 Family Service Association  
 Alberta Funeral Directors and Embalmers  
   Association  
 Alberta Hearing Aid Dealers Association  
 Alberta Medical Association  
 National Farmers' Union  
 Alberta Association of Nursing Orderlies  
 Alberta Mental Deficiency Nurses  
   Association  
 Alberta Society of Occupational  
   Therapists  
 Alberta Association of Professional  
   Photographers  
 Alberta Podiatrists' Association  
 Alberta Real Estate Agents' Association  
 Alberta School Trustees' Association  
 Edmonton Watchmakers' Association  
 Alberta Water Well Drilling Association

The following sources of information have been used in the preparations of the tables which follow: statutes, regulations, by-laws, transcripts from the Committee's public hearings, submissions from the various associations, and a questionnaire which was forwarded to the various associations for the purpose of updating, if necessary, the information contained in the tables. Unfortunately, at the time of printing, not all questionnaires had been returned. Those associations whose questionnaires had been delayed are indicated (\*).

**Table I**

**Total Membership in Association** — Where there has been indicated a figure representing the total membership in an association, the figure is approximate.

**Number of Appointed Members to the Governing Body** — Although in several instances no provision is indicated, in fact many Governing Bodies have provisions whereby a member of the Association may be appointed to fill a vacancy on the Governing Body created by a resignation, disciplinary action against a member of the Governing Body, a death, or other circumstance precluding any member of the Body from fulfilling his duties or obligations.



ASSOCIATION	Name of Governing Body	Number of Members	Quorum	Number of Elected Members	Number of Appointed Members	Provision for Lay Members	Size of Executive	Total Membership In Association	Quorum for General Meeting	
Institute of Accredited Public Accountants	Board of Directors	5-15	1/2+	5-15	—	No	4+	120	10%	
Certified General Accountants Assn. of Alberta	Board of Governors	6-15	1/2+	6-15	—	No	4+	117	10	
Institute of Chartered Accountants of Alberta	Council	6-21	1/2+	6-21	—	No	4+	2100	25	
*Society of Industrial Accountants of Alberta	Council	10	5	10	—	No	5+		15	
Alberta Institute of Agrolgists	Council	9+	1/2+	9+	—	No	4	750	5%	
Alberta Association of Professional Appraisers	Board of Directors	6	1/3	6	—	No	4	25	1/3	
Alberta Association of Architects	Council	11	6	11	—	No	5	247	15	
Alberta Cardiology Technicians Association	Council	5+	3	5+	—	No	5+	52	15	
Alberta Chiropractic Association	Council	6	4	6	—	No	3	196	25%	
Alberta Dental Association	Board of Directors	7+	1/2+	7+	—	No	3	694	25	
*Alberta Registered Dietitians Association	Council	12	7	9	3	No	6		25%	
*Electrical Contractors Association	Board of Directors	18	3+	5	13	No	5		20	

ASSOCIATION	Name of Governing Body	Number of Members	Quorum	Number of Elected Members	Number of Appointed Members	Provision for Lay Members	Size of Executive	Total Membership In Association	Quorum for General Meeting	
Assn. of Engineers, Geologists and Geophysicists	Council	16+	8	16	—	No	4	8500	60	
Alberta Society of Petroleum Geologists	Executive Committee	8	3	7	1	No	5	1675	75	
Alberta Home Economics Association	Executive	10	5	10	—	No	6	360	10%	
*Insurance Agents Association of Alberta	Board of Directors	20	1/2+	20	—	No	4		20	
*Registered Interior Designers Institute of Alberta	Council	7	5	7	—	No	7		10	
*Canadian Society of Laboratory Technologists	Executive Committee	8	1/2+	7	1	No	4			
Law Society of Alberta	Benchers	17-20	1/2+	17-20	—	No	5-6	1689	20	
Psychiatric Association of Nurses	Council	13	7	12	1	No	4+	400	25	
Alberta Association of Registered Nurses	Council	16	1/2+	16	—	No	4	10102	Quorum is the number of members present.	
*Alberta Certified Nursing Aides' Association	Executive	13	2/3	13	—	No	6		50	
*Alberta Guild of Ophthalmic Dispensers	Council	10	1/2+	10	—	No	2+		1/3	
*Alberta Optometric Association	Council	9	1/2+	8	1	No	3+	128		



ASSOCIATION	Name of Governing Body	Number of Members	Quorum	Number of Elected Members	Number of Appointed Members	Provision for Lay Members	Size of Executive	Total Membership In Association	Quorum for General Meeting	
College of Physicians and Surgeons	Council	11+	1/2+	11+	—	No	2+	2400	Quorum is the no. of members present	
Alberta Pharmaceutical Association	Council	10+	6	10+	—	No	2+	1477	Quorum is the no. of members present	
*Physiotherapists and Masseurs Association of Alberta	Board of Directors	7-8	4	7-8	—	No	3-4	54	7	
*Association of Chartered Physiotherapists of Alberta	Council	8	5	8	—	No	3	211		
Psychologists Association of Alberta	Council	10	6	10	—	No	10	261	1/3	
Canadian Society of Radiological Technicians	Council	8	5	6	2	No	5	432	20	
Alberta Association of Social Workers	Council	10	6	10	—	No	4	250	30	
*Speech and Hearing Association of Alberta	Executive Committee	7		5	2	No	7		Quorum is the lesser of 20 or 50%	
*Alberta Land Surveyors Association	Council	9	5	8	1	No	3	116		
Alberta Teachers Association	Executive Council	15+	10	14+	1	No	5	21016	Quorum is 1/4 of Local Rep.	
*Alberta Veterinary Medical Association	Council	7	3	7	—	No	2+		20%	

## Table II

**Age Requirement** — Section 4 (1) of the Age of Majority Act, being Chapter 1 of the Statutes of the Province of Alberta (1971) reads as follows:

In any provision of an Act of the Legislature or any regulation, rule, order or by-law made under an Act of the Legislature enacted or made before the coming into force of this Act, a reference to the age of 21 years shall be read as a reference to the age of 18 years.

**Fees** — Under this column heading, it is indicated that most Associations levy certain fees payable by the members or prospective members at certain times.

**Character Requirements** — For many of the Associations, certain standards of moral and ethical conduct are expected and required of applicants. It is not considered necessary to include the specific information on this table except to indicate that this provision is made.

Provision is made in many cases for rejection of an applicant in the event that the applicant has been refused admission to or has been expelled or suspended from any similar organization, association, society or body in Canada or elsewhere.

One association makes provision as follows: "Council may investigate progress, competence, character, habits and suitability of any 'registered student'. Where, in the opinion of Council, such investigation indicates a contravention of by-laws, or lack of suitability for membership in the Institute, the registration may be cancelled or the re-registration may be refused by the Council in its absolute discretion."

In most cases, one qualification for admission is the payment of prescribed fees.

For admission requirements, and perhaps due to its nature, one association provides only for "every male person . . ."



ASSOCIATION	COMPETENCE STANDARDS ARE SET BY	Character Requirements	Age Requirements	Residence Requirements			Fees		Right to Appeal A Refusal To Admit			Effect of Refusal to Admit	
				Resident of Alberta	Resident of Canada	Canadian Citizen or British Subject	Entrance Fees	Annual Fees	To A Court	To the Association	No Provision	May Practice but May Not Use Designation	May Not Practice
Institute of Accredited Public Accountants	Association	Yes	No	Yes			Yes	Yes			X	X	
Certified General Accountants Assn. of Alberta	Association	Yes	21			Yes	Yes	Yes			X	X	
Institute of Chartered Accountants	Universities Co-ordinating Council	Yes	No				Yes	Yes		Yes		X	
*Society of Industrial Accountants	Association	No	16				Yes	Yes			X	X	
Alberta Institute of Agrologists	Universities Co-ordinating Council	Yes	21				Yes	Yes			X	X	
Alberta Association of Professional Appraisers	Association	Yes	21	Yes		Yes	Yes	Yes			X	X	
Alberta Association of Architects	Universities Co-ordinating Council	Yes	18	Yes			Yes	Yes			X		X
Alberta Cardiology Technicians Association	Association	No	No				Yes	Yes			X	X	
Alberta Chiropractic Association	Association	No	21		Yes		Yes	Yes	Yes	Yes			X
Alberta Dental Association	Universities Co-ordinating Council	Yes	18				Yes	Yes			X		X
*Alberta Registered Dietitians Association	Universities Co-ordinating Council	Yes	No				Yes	Yes			X	X	
*Electrical Contractors Association	Association						Yes	Yes			X	X	

ASSOCIATION	COMPETENCE STANDARDS ARE SET BY	Character Requirements	Age Requirements	Residence Requirements			Fees		Right to Appeal A Refusal To Admit			Effect of Refusal to Admit	
				Resident of Alberta	Resident of Canada	Canadian Citizen or British Subject	Entrance Fees	Annual Fees	To A Court	To the Association	No Provision	May Practice but May Not Use Designation	May Not Practice
Assn. of Engineers, Geologists and Geophysicists	Universities Co-ordinating Council	Yes	No	Yes		Yes	Yes	Yes	Yes				X
Alberta Society of Petroleum Geologists	Association	Yes	No				Yes	Yes			X	X	
Alberta Home Economics Association	Association	No	No				No	Yes			X		
*Registered Interior Designers Institute of Alberta	Association						Yes	Yes		Yes		X	
*Insurance Agents Association of Alberta	Association												
*Canadian Society of Laboratory Technologists	Association	Yes	18				Yes	Yes			X	X	
Law Society of Alberta	Universities Co-ordinating Council	Yes	21			Yes	Yes	Yes	Yes	Yes			X
Psychiatric Association of Nurses	Association	Yes	No	Yes			Yes	Yes			X	X	
Alberta Association of Registered Nurses	Universities Co-ordinating Council	Yes	No				Yes	Yes		Yes		X	
*Alberta Certified Nursing Aides' Association	Association	No	No	Yes			Yes	Yes			X	X	
*Alberta Guild of Ophthalmic Dispensers	Association						Yes	Yes			X		X
*Alberta Optometric Association	Association	Yes	18				Yes	Yes			X		X



ASSOCIATION	COMPETENCE STANDARDS ARE SET BY	Character Requirements	Age Requirements	Residence Requirements			Fees		Right to Appeal A Refusal To Admit			Effect of Refusal to Admit	
				Resident of Alberta	Resident of Canada	Canadian Citizen or British Subject	Entrance Fees	Annual Fees	To A Court	To the Association	No Provision	May Practice but May Not Use Designation	May Not Practice
	COMPETENCE STANDARDS ARE SET BY												
College of Physicians and Surgeons	Universities Co-ordinating Council	Yes	No			Yes	Yes	Yes		Yes			X
Alberta Pharmaceutical Association	Association	Yes	18	Yes			Yes	Yes		Yes			X
Psychologists Association of Alberta	Universities Co-ordinating Council	Yes	No				Yes	Yes			X		
*Physio-Therapists and Masseurs Association	Association	No	21	Yes			Yes	Yes			X		
*Association of Chartered Physiotherapists	Universities Co-ordinating Council	Yes	No				Yes	Yes			X		
Canadian Society of Radio- logical Technicians	Association	No	18	Yes	Yes		No	Yes			X		
Alberta Association of Social Workers	Universities Co-ordinating Council	Yes	No				Yes	Yes			X		
*Speech and Hearing Association of Alberta	Association							Yes			X		
*Alberta Land Surveyors Association	Universities Co-ordinating Council	Yes	21				Yes	Yes			X		X
Alberta Teachers Association	Department of Education	Yes	No	Yes			No	Yes			X		X
*Alberta Veterinary Medical Association	Universities Co-ordinating Council	Yes	21				Yes	Yes			X		X

### Table III

**Notice of Hearing** — If notice is required to be given, the length of notice is indicated where specific provisions have been made.

**Service** — Service may be effected personally (proof of service is by affidavit or Statutory Declaration), by regular mail (it is necessary in this case to prove that the envelope containing the notice was properly addressed to the member in question at this last-known address), or by registered or double-registered mail (post office receipts are proof of service). In some cases the association has a choice as to the method of effecting service of a notice that a disciplinary hearing is to be held.

**Hearing May Proceed Upon Proof of Service of Notice** — Upon proof that the member has been given proper notice of the disciplinary hearing, then the hearing may proceed in his absence as though he were present. In many cases there is also a provision that the member is not entitled to be notified of any adjournments or further proceedings against him, should he not attend the hearing. Some associations have made the provision that, upon service on a member of a notice to appear, the notice has the same power as a subpoena issued out of a Court, and non-attendance is punishable as contempt of Court.

**Public or Private Hearing** — The disciplinary hearing may be held publicly or privately, as indicated.

**Right to Counsel** — A member whose conduct is being investigated has a right to be represented by legal counsel.

**Oath** — Provision has been made for evidence to be taken under oath. The presiding officer or any member of the disciplinary body in most cases is authorized to swear witnesses.

**Court Rules of Evidence Apply** — The rules of court concerning evidence admissible to a hearing apply to disciplinary hearings. In cases, where these rules do not apply, any evidence may be acquired by any means which the Association deems proper.

**Cross-Examination** — The right to cross-examine witnesses has been provided for.

**Proceedings are Recorded** — Provision is included for the proceedings of a hearing to be recorded, in most cases by a competent stenographer and in some cases by means of electric recording equipment.

**Transcript is Available on Request if Appeal** — As indicated, a copy of the proceedings and all evidence used during the hearing is available upon request if an appeal from the decision of the disciplinary body is taken. In most cases the above documentation is available to the appellant, however in some cases the information is forwarded to the Clerk of the Court. One association indicates that transcripts and copies of evidence or reports will be provided to a department of government at no charge, but that any other party (including the appellant) wishing to have a copy of evidence or reports must remit to the Association twenty-five cents per page.

In cases where documentation is provided to the Clerk of the Court, it is usually also provided to the Appellant. However, if the Clerk must supply a copy of the documentation to the Appellant, he is obliged by the Rules of Court to charge fifty cents per page for the first ten pages and twenty-five cents per page subsequent to that, for the copy. The copy of the documentation provided to the Clerk of the Court is available for either party to scrutinize.

**Tribunal is Immune from Counter-Action** — No action may be taken against the Association for any disciplinary action it may take in good faith.

**Witnesses and Documents are Compellable** — Where indicated, a notice to appear issued by the Association has the power of a subpoena issued out of the Courts and non-attendance or failure to produce documents upon notice is an offence punishable by the Court (civil contempt). In most cases, witnesses are paid in much the same fashion as if they were witnesses in a Supreme Court action.



**Member May be Required to Pay Costs if Guilty** — If a member of an association is found guilty of any breach of rules, then he may be required to pay all or a portion of the costs of the action.

**Appeal to Court** — Provision is made for a party to disciplinary proceedings to appeal any decision of a disciplinary body to a Court (usually the Supreme Court of Alberta).

**Appeal to Association** — Provision is made for a party to disciplinary proceedings to appeal any decision of a disciplinary body to the association involved.

ASSOCIATION	Notice of Hearing Required	Service of Notice			Right to Counsel	Evidence is Taken Under Oath	Court Rules of Evidence Apply	Right to Cross-Examination	Disciplinary Proceeding is Recorded	Transcript is Available	Tribunal is Immune from Counter-action	Witnesses and Documents are Compellable	Member May be Required to Pay Costs if Guilty	Appeal from Decision to a Court	Appeal from Decision to the Association
Institute of Accredited Public Accountants	10 Da.	Personal Service	Regular Mail	Registered or Double-Registered Mail	Priv.	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes
Certified General Accountants of Alberta	7 da.														15 da.
Institute of Chartered Accountants	10 da.			Yes	Pub. Priv.	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	30 da.	Yes
*Society of Industrial Accountants	14 da.	Yes	Yes		Yes				Yes						30 da.
Alberta Institute of Agrologists	14 da.			Yes	Priv.	Yes	No	Yes	Yes	Yes	Yes	No	Yes	3 mo.	
Alberta Association of Professional Appraisers														Yes	Yes
Alberta Association of Architects	15 da.			Yes	Priv.	Yes	No	Yes	Yes	Yes	No	No	No	30 da.	No
Alberta Cardiology Technicians Association	5 da.			Yes	Priv.	Yes	Yes	Yes	Yes	Yes		Yes			30 da.
Alberta Chiropractic Association	No			Yes	Priv.	Yes	Yes	Yes	No	No	Yes	Yes	Yes	30 da.	Yes
Alberta Dental Association	10 da.			Yes	Priv.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	2 mo.	
*Alberta Registered Dietitians Association						Yes			Yes	Yes	Yes			14 da.	
*Electrical Contractors Association															Yes



ASSOCIATION	Notice of Hearing Required	Service of Notice			Right to Counsel	Evidence is Taken Under Oath	Court Rules of Evidence Apply	Right to Cross-Examination	Disciplinary Proceeding is Recorded	Transcript is Available	Tribunal is Immune from Counter-action	Witnesses and Documents are Compellable	Member May be Required to Pay Costs if Guilty	Appeal from Decision to a Court	Appeal from Decision to the Association
Assn. of Eng., Geologists and Geophysicists	30 da.	Personal Service	Regular Mail	Registered or Double-Registered Mail	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	30 da.	
Alberta Society of Petroleum Geologists	1 wk.		Yes		Priv.	Yes	No	Yes			No	No	No	No	Yes
Alberta Home Economics Association															
*Insurance Agents Assn. of Alberta															
*Registered Interior Designers Inst. of Alberta		Yes	Yes			Yes		Yes							
*Canadian Society of Laboratory Technologists															
Law Society of Alberta	10 da.	Yes			Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	30 da	30 da
Psychiatric Association of Nurses	Yes		Yes			Yes	No	No	Yes	Yes	No	No	No	14 da.	
Alberta Association of Registered Nurses	10 da.	Yes		Yes	Yes	Yes	No	No	Yes	No	No	No	No	30 da	
*Alberta Certified Nursing Aides Association		Yes	Yes			Yes		Yes							Yes
*Alberta Guild of Ophthalmic Dispensers	10 da.		Yes		Yes	Yes		Yes			Yes	Yes	Yes	Yes	Yes
*Alberta Optometric Association	10 da.		Yes		Yes	Yes	No	Yes		Yes	Yes	Yes	Yes	30 da	

ASSOCIATION	Notice of Hearing Required	Service of Notice			Hearing May Proceed Upon Proof of Service	Hearing is Public (Pub) or Private (Priv)	Right to Counsel	Evidence is Taken Under Oath	Court Rules of Evidence Apply	Right to Cross-Examination	Disciplinary Proceeding is Recorded	Transcript is Available	Tribunal is Immune from Counter-action	Witnesses and Documents are Compellable	Member May be Required to Pay Costs if Guilty	Appeal from Decision to a Court	Appeal from Decision to the Association
Alberta Pharmaceutical Association	14 da.	Personal Service	Regular Mail	Registered or Double-Registered Mail		Priv.	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	30 da.	Yes
College of Physicians and Surgeons	2 wk.	Yes			Yes	Priv.	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	30 da.	
* Assn. of Chartered Physiotherapists of Alberta	Yes							Yes			Yes	Yes	Yes			14 da.	
* Physiotherapists and Masseurs Assn. of Alberta																	
Psychologists Association of Alberta	Yes			Yes		Priv.	Yes	Yes	No	No	Yes	Yes	Yes	No		30 da.	
Canadian Society of Radiological Technicians	No					Priv.	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	14 da.	
Alberta Association of Social Workers	Yes			Yes		Priv.	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	30 da.	
* Speech and Hearing Association of Alberta																	
* Alberta Land Surveyors' Association	10 da.		Yes		Yes	Priv.	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	30 da.	
Alberta Teachers Association	10 da.			Yes	Yes	Priv.	Yes	Yes	No	Yes	Yes	Yes	No	Yes	Yes	15 da. to a govt board	
* Alberta Veterinary Medical Association	2 wk.				Yes								Yes	Yes	Yes	6 mo.	



## Table IV

**Sanctions — Other** — References in this column indicate that the disciplinary body may impose such sanctions as it sees fit.

Several professional or occupational associations name, as one of the sanctions which may be imposed on delinquent members, 'Fine'. Specific information as to the amount of the fine which may be levied in certain cases is not considered necessary for this table except to indicate that this provision is available.

The length of time which may be levied as 'Suspension' from membership of an association is not readily clear in many of the files. Some associations provide for suspensions of either a definite duration or an indefinite duration.

ASSOCIATION	Disciplinary Body	Grounds for Disciplinary Action															Sanctions						
		Misconduct	Unbecoming Conduct	Ignorance	Incompetence	Inefficiency	Malpractice	Dishonesty	Disloyalty to the Association	Gross Carelessness	Over-charging	Unsatisfactory Financial Standing	Non-Payment of Fees	Violation of Act, By-laws Regulations, etc.	Breach of Ethics	Action Detrimental to the Reputation of Assn.	Obtaining Registration by Fraud/Misrepresentation.	Conviction of Criminal or Indictable Offence	Fine	Reprimand	Suspension	Expulsion	Other
Accredited Public Accountants	Board of Directors																						
Certified General Accountants	Board	X	X		X		X	X	X				X	X	X	X	X	X	X			X	X
Chartered Accountants	Discipline Committee	X	X	X	X		X	X	X			X	X	X	X	X		X	X	X	X	X	
*Industrial Accountants	Conduct Committee	X			X								X			X				X	X	X	
Agrologists	Council		X				X	X	X				X	X	X	X	X		X	X	X	X	
Appraisers	Board of Directors	X							X			X	X	X								X	
Architects	Guidance Committee	X	X		X	X	X		X				X	X	X	X	X	X	X	X	X	X	
Cardiology Technicians	Council		X					X					X	X		X	X	X			X	X	
Chiropractic Assn.	Council	X	X		X	X	X		X	X		X	X	X	X	X	X	X	X	X	X	X	X
*Dental Association	Discipline Committee	X	X		X		X		X		X	X	X	X	X	X	X	X	X	X	X	X	
*Dietitians Association	Council	X			X																		
*Electrical Contractors	Board of Directors	X										X	X		X	X			X		X	X	X
Engineers, etc.	Discipline Committee		X												X	X	X		X	X	X	X	
Petroleum Geologists	Executive Committee	X	X										X		X					X		X	
Home Economists																							
*Interior Designers	Ethics Committee												X		X				X	X		X	
*Insurance Agents																							
*Laboratory Technologists	Board of Directors	X																					X



[illegible]

## APPENDIX D

### ORGANIZATIONS AND INDIVIDUALS WHO PRESENTED BRIEFS AND APPEARED AT THE PUBLIC HEARINGS OF THE SPECIAL LEGISLATIVE COMMITTEE ON PROFESSIONS AND OCCUPATIONS

The Special Legislative Committee on Professions and Occupations was required by its Terms of Reference to hear representations from professional and occupational associations as well as representative members of professions and occupations generally. The Committee held hearings for one day in Calgary, Alberta on September 11, 1972 and for five days in Edmonton, Alberta from September 25, 1972 to September 29, 1972 inclusive. The Committee tabled an Interim Report in the Alberta Legislature in May 1973. The organizations and individuals listed below presented briefs to the Committee and appeared before the Committee at the public hearings. Some of these organizations also submitted briefs in response to the Interim Report.

Certified General Accountants Association of Alberta  
Institute of Accredited Public Accountants of Alberta  
Institute of Chartered Accountants of Alberta  
Society of Industrial Accountants of Alberta  
Alberta Institute of Agrolologists  
Alberta Association of Professional Appraisers  
Alberta Association of Landscape Architects  
Alberta Association of Architects  
A. S. Edmond Benz  
Alberta Cardiology Technicians Association  
\*Alberta Chiropractic Association  
\*Confederation of Alberta Faculty Associations  
Consumers Association of Canada  
Alberta Dental Association  
Alberta Dental Hygienists Association  
Alberta Registered Dietitians Association  
Edmonton Beverly Progressive Conservative Association of Alberta  
Electrical Contractors Association of Alberta  
Association of Professional Engineers, Geologists and Geophysicists of Alberta  
Family Service Association  
Alberta Funeral Directors and Embalmers Association  
Dr. R. D. Gainor  
Alberta Society of Petroleum Geologists  
\*Grant MacEwan Community College  
Alberta Hearing Aid Dealers Association

Alberta Home Economics Association  
Calgary General Hospital Union  
Insurance Agents Association of Alberta  
Registered Interior Designers Institute of Alberta  
Canadian Society of Laboratory Technologists  
Alberta Land Surveyors Association  
Law Society of Alberta  
Alberta Medical Association  
S. Gordon McAfee  
National Farmers Union  
Alberta Association of Registered Nurses  
\*Alberta Mental Deficiency Nurses Association  
Psychiatric Association of Nurses  
Alberta Certified Nursing Aides Association  
Alberta Association of Nursing Orderlies  
Alberta Society of Occupational Therapists  
Alberta Guild of Ophthalmic Dispensers  
Alberta Optometric Association  
Alberta Pharmaceutical Association  
Alberta Professional Photographers Association  
College of Physicians and Surgeons  
Physiotherapists and Masseurs Association of Alberta  
Association of Chartered Physiotherapists of Alberta  
Canadian Physiotherapy Association  
Psychologists Association of Alberta  
Group of Interested Psychologists  
Richard H. M. Plain  
Canadian Society of Radiological Technicians  
Alberta Real Estate Association  
Dr. M. T. Richards  
\*Senior Citizens Central Council of Calgary  
Alberta School Trustees Association  
Alberta Association of Social Workers  
Licensed Clinical Social Workers  
Speech and Hearing Association of Alberta  
Alberta Teachers Association  
Alberta Veterinary Medical Association  
Edmonton Watchmakers Association  
Alberta Water Well Drilling Association  
Gustav Zawallich

\*These groups did not appear before the Committee at the Public Hearings.



## APPENDIX E

### ACTS CONFERRING POWERS OF SELF-GOVERNMENT ON A PROFESSION OR OCCUPATION

NAME OF ACT	PROFESSION OR OCCUPATION
1. The Agrologists Act	Agrologists
2. The Alberta Architects Act	Architects
3. The Alberta Chartered Accountants Act	Chartered Accountants
4. The Chiropractic Profession Act	Chiropractors
5. The Dental Association Act	Dental Surgeons (dental hygienists are also referred to but are not regulated by the Act)
6. The Alberta Registered Dietitians Association Act	Dietitians
7. The Engineering and Related Professions Act	Professional Engineers, Professional Geologists and Professional Geophysicists
8. The Society of Industrial Accountants of Alberta Act	Registered Industrial Accountants
9. The Registered Interior Designers Institute of Alberta Act	Interior Designers
10. The Alberta Land Surveyors Act	Land Surveyors
11. The Legal Profession Act	Barristers and Solicitors
12. The Medical Profession Act	Medical Practitioners, Osteopaths, Homeopaths
13. The Naturopathy Act	Naturopaths
14. The Ophthalmic Dispensers Act	Ophthalmic Dispensers (a certificate of competency from a government-appointed body is also required in addition to membership in the Guild)
15. The Optometry Act	Optometrists
16. The Alberta Pharmaceutical Association Act	Pharmaceutical Chemists
17. The Chartered Physiotherapists Act	Chartered Physiotherapists
18. The Podiatry Act	Podiatrists
19. The Psychiatric Nurses Association Act	Psychiatric Nurses
20. The Psychologists Act	Psychologists
21. The Alberta Registered Music Teachers' Association Act	Music Teachers
22. The Registered Nurses Act	Registered Nurses
23. The Social Workers Act	Social Workers
24. The Teaching Profession Act	Teachers
25. The Veterinary Surgeons Act	Veterinarians

## APPENDIX F

### PROFESSIONS OR OCCUPATIONS UNDER A GOVERNMENT-OPERATED LICENSING SYSTEM

NAME OF ACT	PROFESSION OR OCCUPATION
1. The Amusements Act	Film Projectionists
2. The Artificial Insemination of Domestic Animals Act	Artificial Insemination Technicians
3. The Boilers and Pressure Vessels Act	Engineers, Firemen and Pressure Vessel Welders
4. The Cemeteries Act	Salesmen of lots, plots, etc.
5. The Certified Dental Mechanics Act	Dental Mechanics (The Act incorporates a Society but membership in it is not necessary)
6. The Child Welfare Act	Persons placing immigrant children require an O.C.
7. The Coal Mines Regulation Act	Coal Mine Workers of all classes
8. The Collection Agencies Act	Collectors
9. The Dairymen's Act	Graders and Testers of milk and cream, Operators of testing apparatus
10. The Dental Auxiliaries Act	Dental Auxiliaries
11. The Dental Technicians Act	Dental Technicians
12. The Department of Education Act	Certification of Teachers
13. The Electrical Protection Act	Electricians
14. The Forests Act	Timber Scalers
15. The Gas Protection Act	Gas Fitters
16. The Highway Traffic Act	Driving Instructors, Truck Drivers, Bus Drivers, etc.
17. The Alberta Insurance Act	Salesmen, persons employed as adjusters by a firm or corporation that is a licensed adjuster
18. The Investment Contracts Act	Salesmen of registered issuers of investment contracts
19. The Landmen Licensing Act	Land Buyers and Agents or employees of land buyers
20. The Liquor Control Act	Representatives of licensed Brewers, Distillers and Wineries
21. The Municipal Government Act	Scavengers: Specified trades under section 222 (plumbers, electricians, gas fitters, steam fitters, building contractors)
22. The Nursing Aides Act	Nursing Aides (there is no penalty for being unlicensed)
23. The Private Investigators and Security Guards Act	Private Investigators and Security Guards
24. The Psychiatric Nurses Training Act	Psychiatric Nurses and Mental Deficiency Nurses (certificates are issued but there is no penalty for not being certified)
25. The Public Health Act	Midwives; Undertakers and Embalmers; Meat Examiners and Meat Inspectors; Hypnotists; Public Health Inspectors
26. The Alberta Racing Commission Act	Owners, Trainers, Drivers, Jockeys, Apprentice Jockeys, Grooms, Jockeys' Aides, Jockeys' Valets, Exercise Boys, Tradesmen
27. The Radiological Technician Act	Medical Radiological Technician, Industrial Radiological Technician
28. The Real Estate Agents' Licensing Act	Salesmen for Real Estate Agents
29. The Sale of Chattels by Public Auction Act	Auctioneers
30. The Securities Act	Securities Salesmen
31. The Tradesmen's Qualification Act	Mechanics of various kinds, plumbers, steam fitters, gas fitters, barbers and other designated trades
32. The Welding Act	Welders
33. The Wildlife Act	Taxidermists, Dog Trainers, Guides and Outfitters



## APPENDIX G

### BUSINESSES AND TRADES

NAME OF ACT	PROFESSION OR OCCUPATION
1. The Aerial Photographic Survey Act	Persons making aerial photographic surveys
2. The Agricultural Chemicals Act	Operators of a business involving the use or application of pesticides
3. The Amusements Act	Operators of a place of amusement, carnival show, travelling amusement or show or film exchange
4. The Artificial Insemination of Domestic Animals Act	Operators of insemination business, semen producing business or semen bank
5. The Bee Diseases Act	Bee Keepers
6. The Billiard Rooms Act	Billiard Room Proprietors
7. The Collection Agencies Act	Collection Agencies
8. The Dairymen's Act	Diary Manufacturing Plants
9. The Department of Education Act	Kindergarten education programs, institutions offering correspondence courses, private schools
10. The Employment Agencies Act	Employment Agencies
11. The Fish Marketing Act	Fish Dealers and Fish Breeders
12. The Frozen Food Act	Locker Plant Operators
13. The Fuel Oil Licensing Act	Jobbers, Wholesale Dealers, Distributors and Refiners of fuel oil and Retail Dealers in fuel oil
14. The Fur Farms Act	Fur Farmers
15. The Grain Buyers Licensing Act	Grain Buyers
16. The Ground Water Control Act	Water Well Drillers
17. The Highway Traffic Act	Driver-training Schools
18. The Alberta Insurance Act	Insurers, Agents, Brokers and Adjusters
19. The Investment Contracts Act	Investment Contract Issuers
20. The Licensing of Trades and Business Act	Various designated trades and businesses
21. The Lightning Rod Act	Sellers and Installers of lightning rods
22. The Liquor Control Act	Brewers, Distillers, Wineries
23. The Liquor Licensing Act	Operators of beverage rooms, clubs, canteens, dining lounges and lounges and beer vendors
24. The Alberta Livestock and Livestock Products Act	Operators of stock yards, livestock dealers and agents, poultry and poultry products dealers
25. The Milk Control Act	Producers, Processors and Distributors of fluid milk
26. The Mines and Minerals Act	Operators of geophysical equipment
27. The Mortgage Brokers Regulation Act	Mortgage Brokers and Agents
28. The Municipal Government Act	Businesses generally, ambulance service, taxi business, transport truck business, places of amusement, etc. hotels, etc. and service stations
29. The Noxious Weeds Act	Operators of seed cleaning plants
30. The Prearranged Funeral Services Act	Persons undertaking to provide prearranged funeral services and persons soliciting plans
31. The Private Investigators and Security Guards Act	Private Investigation Agencies and Security Guard Agencies

32. The Public Service Vehicles Act	Liveryman Business Operators
33. The Alberta Racing Commission Act	Race Track Operators
34. The Real Estate Agents' Licensing Act	Real Estate Agents
35. The Sale of Chattels by Public Auction Act	Auction Sales companies
36. The Securities Act	Dealers, Advisers, and underwriters
37. The Seed Dealers Act	Seed Dealers
38. The Stock Inspection Act	Butchers and Hide Dealers
39. The Trade Schools Regulation Act	Operators of trade schools
40. The Vegetable Sales (Alberta) Act	Brokers, Commission Agents, Dealers, Packers, Processors and persons assembling vegetables and vegetable products.
41. The Wildlife Act	Operators of big game farms, game bird farms and pheasant shooting grounds and fur dealers, tanners, farmers



## APPENDIX H

### REFERENCES

- Applied Research Associates, **Certification and Post-Secondary Education**, A Study Prepared for the Commission on Post-Secondary Education in Ontario (1971)
- Applied Research Associates, **Professional Education: A Policy Option**, A Study Prepared for the Commission on Post-Secondary Education in Ontario (1971)
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